

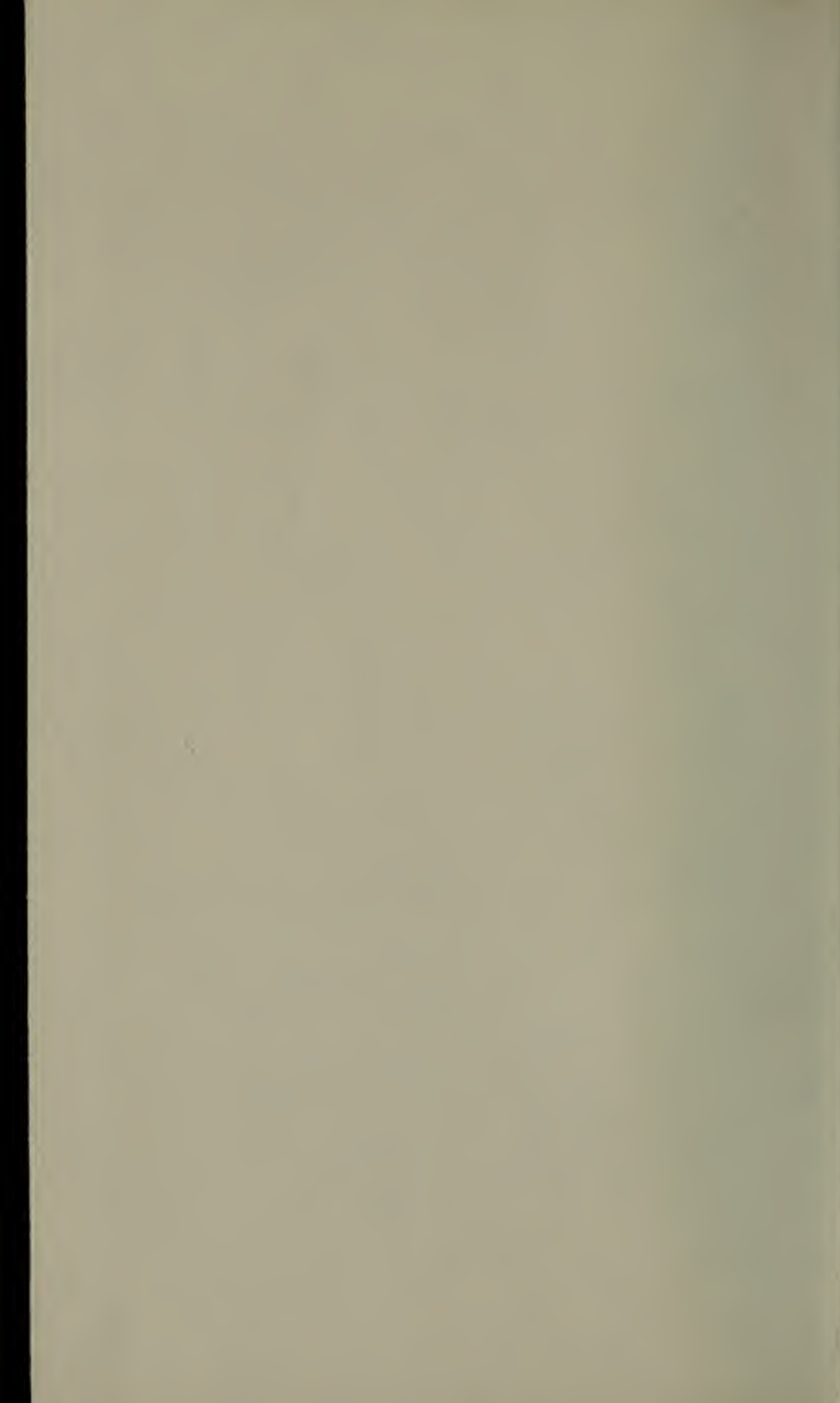
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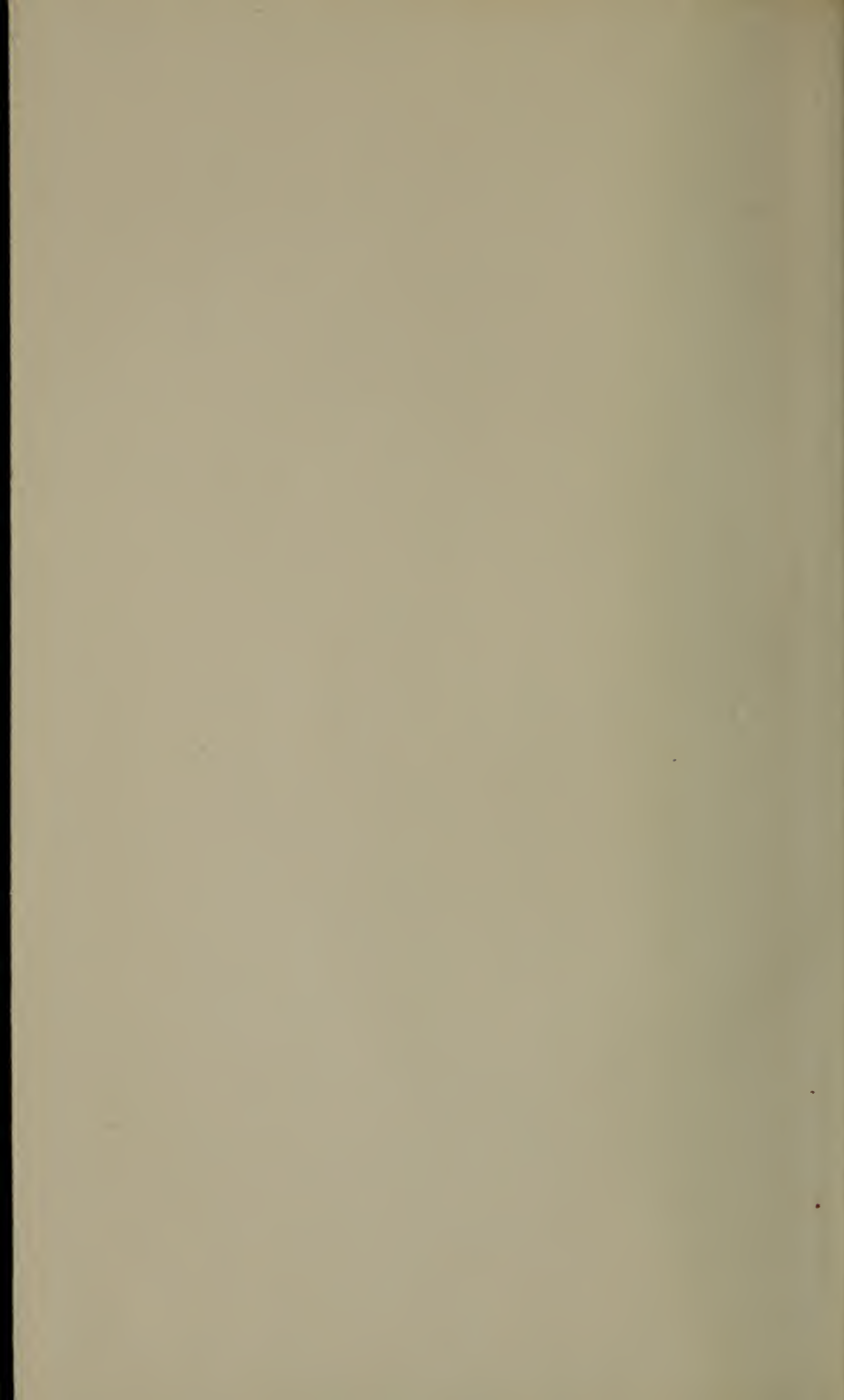
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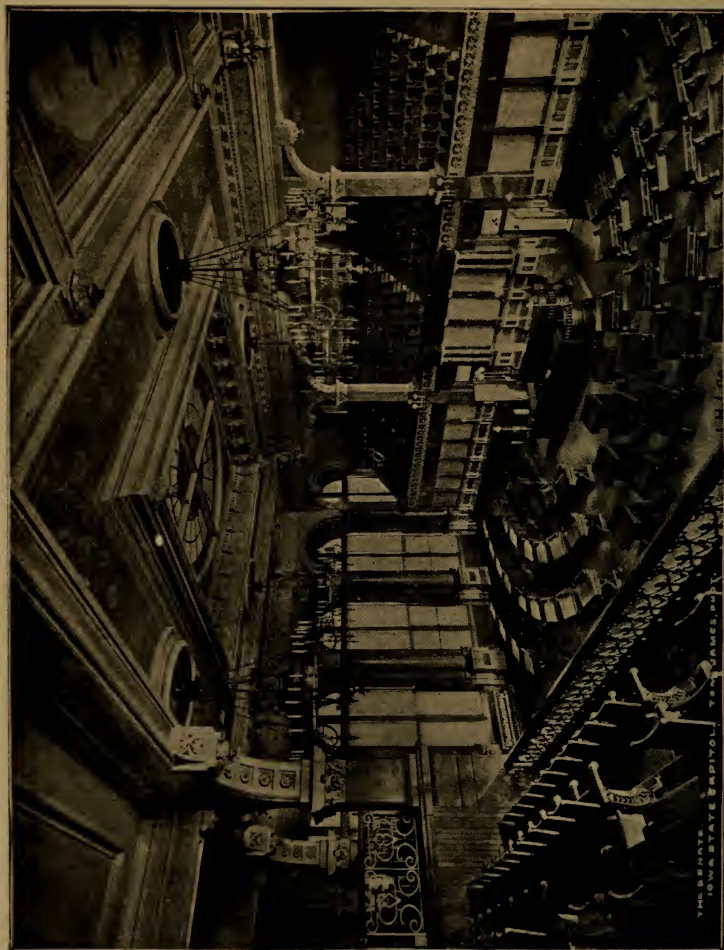
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THE IOWA SENATE CHAMBER

OUR STATE AND NATION

OR

CIVICS MADE INTERESTING, PRACTICAL
AND COMPREHENSIBLE

A TEXT BOOK OF CIVIL GOVERNMENT FOR THE COMMON
SCHOOLS OF IOWA

BY

WALTER GUTHRIDGE

TENTH EDITION.

CHICAGO

W. M. WELCH COMPANY

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PREFACE.

The aim of this book is to set forth in a simple and practical manner the actual workings of our Government and to take up the subject in the order of its complexity, beginning with the simplest unit of government, viz.: "The school district," and proceeding to the next simplest; thus passing from the known to the unknown. The teacher may find it practical in following this text to have such exercises as writing notices of election of director, holding election of director, writing out proceedings of election and certificates of election and afterwards organization of a board of directors. Such exercises may be carried further as the judgment of the teacher may decide.

In passing from one unit of government to the next higher, special stress is laid on similarities and reasons given for the differences. The pupil just beginning the subject is not confronted with the generalization, "Government is divided into three divisions, the Legislative, the Executive and the Judicial, but is led to such conceptions inductively, by studying these functions in the simplest unit of government in which they exist.

A practical feature of the book is the chapter on political parties, primaries, conventions and elections, definite instructions being given on the Australian ballot as it is in our own State.

Hoping that the book will meet the need of country and graded schools in our State, it is commended to the consideration of the public by **The Author.**

Note:—Changes in the Iowa law made by the thirty-fourth general assembly have necessitated this edition which has been carefully corrected and revised. The cordial reception accorded former editions, bespeaks even greater success for this one.

THE PUBLISHERS.

OUR STATE AND NATION

CHAPTER I.

EARLY HISTORY OF OUR STATE.

1. Probably the first white men to see Iowa were **Father Marquette**, a French Jesuit missionary, and **Louis Joliet**, a French Canadian trader, who came down the Mississippi in 1673 and landed near the mouth of the Des Moines river. The name is from the Indian tongue and in their language is said to mean "The Beautiful Land."

2. **The Earliest White Resident** within the present limits of the state was Julien Dubuque, who in 1788 obtained permission from the Indians to mine lead near the place now occupied by the city which bears his name. Several feeble attempts were made by the French to settle about this time at various points along the Mississippi, but no permanent locations were made until after the Black Hawk War in 1833 when the Indians relinquished their claims to part of the land.

3. By right of discovery, the French **Established Claim** to Iowa and held possession until 1763 when their territory in the Mississippi valley was ceded to Spain. Spanish control and authority existed until 1800 when ownership again went to France. In 1803, Napoleon Bonaparte sold the tract known as the Louisiana Purchase which included this state to the United States for \$15,000,000.

4. From the time of the purchase until its admission as a state, Iowa has been under numerous forms of **Territorial Connection**. After the separation from

Missouri in 1821, it was practically without a government for thirteen years. The territory of Iowa was organized in 1838, including the present state of Minnesota and parts of North and South Dakota. Robert Lucas of Ohio, was appointed first governor and Burlington was made the temporary seat of government. The capital was afterwards transferred to Iowa City.

5. Unsuccessful attempts were made in 1840 and 1842 to call a convention for the purpose of forming a **Constitution**. Such a convention, however, met in 1844 at Iowa City, and a constitution was drafted including in territory nearly all of the present state and a large part of Minnesota. These boundaries were unsatisfactory to congress and new ones were proposed by that body. On account of this change, the constitution was rejected by the people. Another convention followed in 1846, the action of which being ratified by the people and by congress, Iowa was admitted as a state on the 28th day of December in the same year.

6. The people of New England have always favored **Local Self Government**. To the voters assembled at the "town meeting," power was given to decide every affair of local interest. In the Southern colonies, the isolated rural population was the natural home of the county. Here the government unit embraced a larger scope of territory, so more authority was of necessity given to the various officers. In most of the newer states, we have a composite type of township and county government, as the people in the westward movement brought with them both forms. This is seen in Pennsylvania, Ohio, and Illinois and the settlers from these states who so largely made up the early population of Iowa, determined the powers and extent of our governmental units. Keeping these facts in mind, it will be possible to consider without confusion, the school district, township, town, city, and county as elements of local government as they are taken up in the subsequent chapters.

QUESTIONS.

1. Who were the first white men in Iowa?
2. Tell about the early settlements.
3. Who was the first territorial governor?
4. When was Iowa admitted?
5. How did our different local governments originate?

CHAPTER II.

OUR SYSTEM OF SURVEYS.

1. In the eastern part of the United States the farms are not separated by lines running north and south, east and west, as they are in our state, but are generally of very irregular shape. The lines may extend in any direction, and a farm is sometimes bounded by a great number of sides. Fig. 1 is an outline of a farm near Knoxville, Tennessee. Its area is $266\frac{3}{4}$ acres and it has 26 sides. Such farms are very hard to survey, and where found, the school districts, townships and counties are also very irregular.

2. In this state is used the simple and practical **System of Surveys** which originated in the land ordinance passed by congress in 1785 and applied to all new territory. Under this plan, the land is divided into squares by meridians running north and south and parallels extending east and west, six miles apart. These squares are called "congressional townships."

3. When beginning a survey, a line is located called the "**Principal Meridian**" across which at right angles a base line is run. There are twenty-four principal meridians in the United States. Six of these are numbered and are shown on Fig. 3; the rest have special names as the Salt Lake meridian. The fifth principal meridian from which the Iowa survey is made, starts at the mouth of the Arkansas river and extends north through Minnesota. The base line passes near Little Rock, Ark.

4. Other meridians called "range lines" are run at intervals of six miles on each side of the principal meridian: also parallels or township lines are run on

each side of the base'line, six miles apart. Each township thus formed has two numbers: one showing its position north or south of the base line: the other east or west of the principal meridian. The tiers of town-

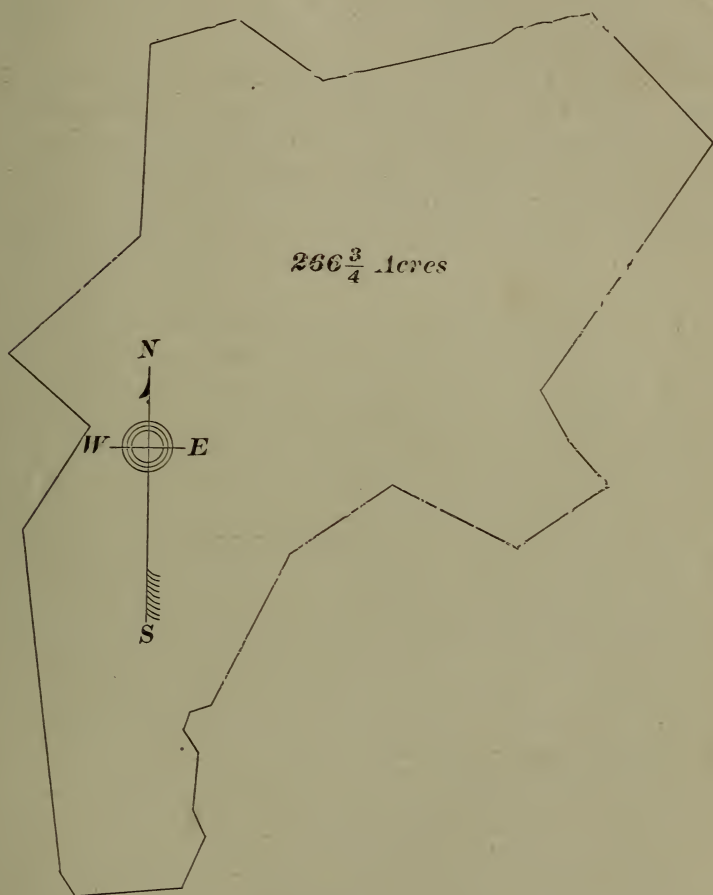


Fig. 1.

ships north or south of the base line are called "townships:" those east or west of the principal meridian, "ranges." From this it is very easy to locate any township in a given survey as shown in Fig. 2. One of these six mile squares in the seventh tier north of

the base line and in the fourth tier west of the principal meridian would be designated as township 7 north, range 4 west. A township on the south line of Iowa is number 67 north of the base line: one on the north line is number 100. The extreme western range is 48 west, while the extreme eastern one is 6 east of the fifth principal meridian.

5. Each township is divided into thirty-six sections, each one mile square containing 640 acres. These sections are numbered as noted in Fig. 4, beginning in the northeast corner of the township. For convenience in locating land, the sections are divided into four squares called quarters; as, north east

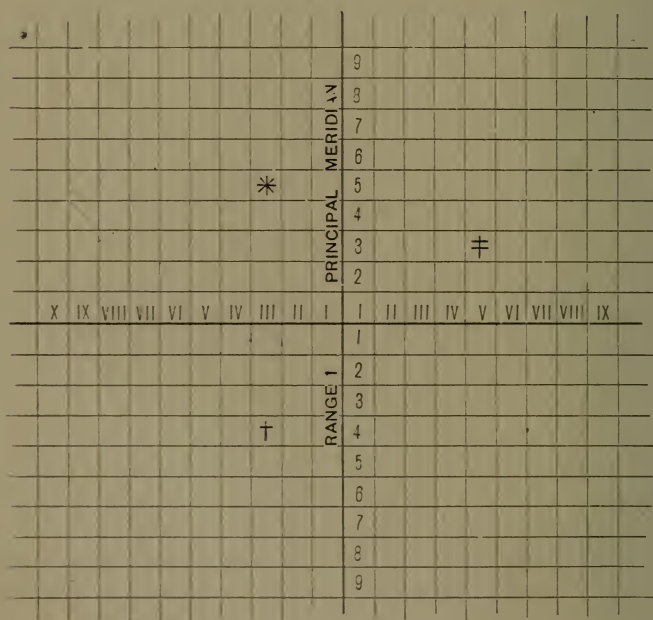


Fig. 2

Fig. 2.—* Township 5 North, Range 3 West.

† Township 4 South, Range 3 West.

† Township 3 North, Range 5 East.

quarter, north west quarter, south east quarter and south west quarter. The quarters are subdivided as the description requires. See Fig. 5. The government survey fixes the section lines, marks the corners and places a half mile mark between the section corners, but does not run lines through the sections.

6. Land described as N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of section 1, township 80 north of range 20 west of fifth principal meridian, means 40 acres in the extreme north east corner of section 1 of the township from 114 to 120 miles west of the fifth principal meridian and from 474 to 480 miles north of the base line. This is a much more convenient way of locating land than is possible where the surveys are irregular.

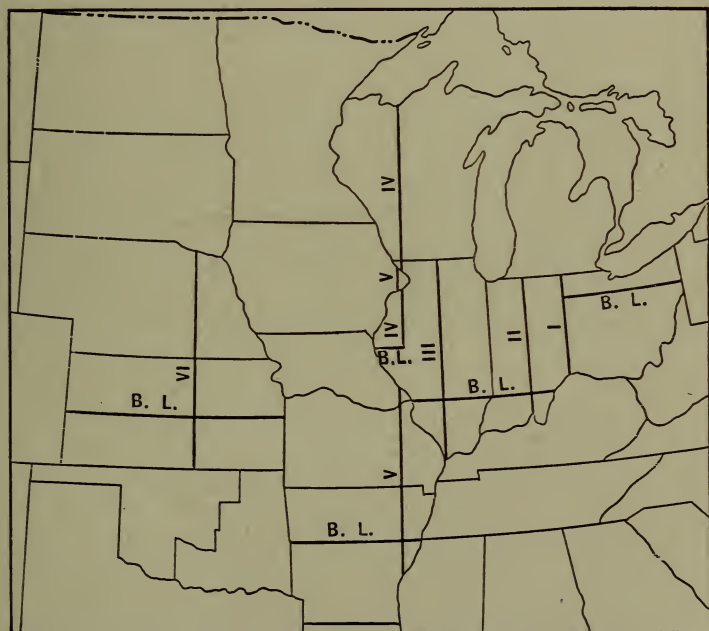


Fig. 3.

7. In running north and south from the base line the surveyors follow the true meridian as shown by their instruments. However, as true meridians con-

verge at the north pole, the north side of a township is narrower than the south side. This difference is equal

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Fig. 4.

to about three rods in latitude 42 degrees. As we go nearer the pole the difference increases. Therefore, two lines running north and south that are six miles apart at the southern boundary of Iowa, will be about fifteen rods nearer together, thirty miles farther north. To prevent this narrowing from spoiling the system, surveyors make what they call **Correction Lines**.

8. This is done by measuring out from the principal meridian and starting a new base line. The townships south of this line are less than six miles in width: those north are a full six miles. There are four such correction lines in the state: one on the southern boundary: one running through Des Moines: one

through Sioux City and Dubuque: one along the northern boundary. These can be seen on any map of the state showing the counties. *

*See map of Iowa, page 143

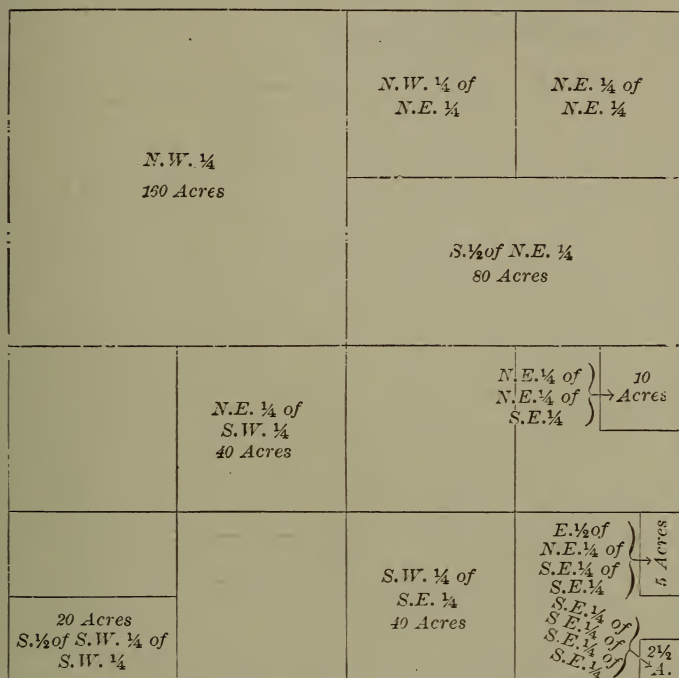


Fig. 5.

QUESTIONS.

1. Compare the shape of eastern and western farms; of townships; of counties. Account for the difference.

2. What is a principal meridian? How many do we have in the United States? A base line? Locate those from which the Iowa survey is made. How are townships numbered?

3. How wide is our state? How long?

4. How are sections numbered? How divided?

5. How far from the Principal Meridian and Base Line is township range 24 west and number 75 north?

6. How many acres in the N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$? In S. $\frac{1}{2}$ of S. E. $\frac{1}{4}$? In E. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$?

7. Why are correction lines necessary? How many do we have in this state?

CHAPTER III.

SCHOOL DISTRICTS.

1. The congressional township besides locating land may serve as a unit for local and school government. The civil and school township usually occupy the same extent of territory as the congressional township. This, however, can be changed to meet the convenience of the people. The early settlers established their township governments without regard to the land surveys, hence in the eastern part of our state, civil townships frequently do not correspond to the congressional, but in the western part they do as a rule.

2. During the history of the state the laws of Iowa have recognized many forms of **School Corporations**, but the statutes at present provide only two general classes, the school township and the independent districts.

3. **A Meeting of the Voters** of each corporation is held on the second Monday in March of each year for the purpose of transacting such business as the law permits to come before it. While it is necessary to leave the direct management of all school affairs in the hands of the school board, there are certain matters that must come before the electors and others in which the board must act as directed by the voters at the meeting. This yearly gathering of the voters is of special interest because it is one of the few instances in our government where the people meet and directly make and adopt their own laws and regulations.

4. Notice in writing of the place, day and hours during which the meeting will be in session and containing such propositions as are to be submitted to the

voters, must be posted by the secretary in at least five public places in the district not less than ten days before the meeting. The president and secretary of the board with one of the directors are the judges of election. When any judge is absent, the voters can appoint one of their number to act in his stead.

5. The **Powers** which can be exercised by the voters at their annual meeting are clearly defined by law. Among them is the authority to direct the sale or other disposition of school property, to determine upon new branches to be added to the course of study, to instruct the board as to the use of school houses for public meetings, to authorize the board to obtain roads for the proper access to school houses, to vote a tax for building school houses and purchasing sites. All propositions must be voted upon by ballot and must appear in the following form, "Shall a change of text books be directed?"

6. A special meeting of the voters of any school corporation may be called by its board of directors by giving notice in the same manner as for the annual meeting. At this meeting the voters have the same powers as at the annual meeting in reference to the disposal of school property and voting a tax for the construction of school houses and obtaining sites and proper roads.

7. To have the **Right to Vote** at a school meeting, a person must have the same qualifications as to vote at a general election. In any election for the purpose of issuing bonds or increasing the tax levy, women may vote under the same restrictions and qualifications as men. A separate ballot box must be provided for the ballots cast by women, and a separate canvas made of their votes. Women are allowed by law to hold any school office.

8. One plan of managing school affairs is to have the whole civil township constitute a school district which is generally divided into such subdistricts as, in the opinion of a majority of the board, the interests

of the people require. Where the **School Township** coincides with the congressional township the number of subdistricts is usually nine. Annually, on the first Monday in March, a meeting of the qualified voters of each subdistrict is held for the purpose of electing a subdirector. These subdirectors make up the township board. The law provides for a director at large to be chosen at the annual meeting of the voters of the whole township where there is an even number of subdistricts. This is to make an odd number on the board so as to prevent tie votes.

Besides his general duties as a member of the board, each **Subdirector** has special duties to perform in his OWN SUBDISTRICT. He may subject to the regulations of the township board, hire the teachers, make contracts for the purchase of fuel, the repairing or furnishing of school houses, and all other matters necessary for the convenience and prosperity of the schools in his subdistrict. He is required by law to post notices for the meeting of the voters in his district and take an enumeration of the children of school age which with a list of the heads of families, he must report to the secretary of the board. The election notice is similar to the following:

"Notice is hereby given, that on the first Monday in March, 19.., a meeting of the qualified electors of subdistrict No., in the school-township of
, in the County of..... and State of Iowa, will be held at the school house in said subdistrict, between the hours of two and four o'clock P. M., for the election of one director and the transaction of such other business as may legally come before the meeting."

.....

Director.

9. At the time appointed the qualified electors of the subdistrict meet to hold the election. They organize by selecting from their number a chairman and a secretary, whose duties are to act as judges of the elec-

tion and then proceed to cast ballots for director. The judges canvass the vote thus cast, announce the result and declare the person receiving the highest number, elected. Tie votes for any elective school office are decided publicly by lot forthwith, under the direction of the judges of the election.

10. The chairman and secretary then sign a certificate of election and give it to the director elect. They also sign the record of proceedings of the meeting.

FORM OF CERTIFICATE OF ELECTION.

We hereby certify that at the regular meeting of subdistrict No., in the school township of, in County of, and State of Iowa, (the person's name) was duly elected director for one year.

.....
Chairman.

.....
Secretary.

FORM FOR PROCEEDINGS OF MEETINGS.

On the first Monday in March, 19.., the electors of subdistrict No., in school township of, in county of and State of Iowa, met pursuant to previous notice. On motion of Mr., they proceeded to the election by ballot of one director. On counting the ballots it was found that 10 votes were cast for Mr. B. and 8 for Mr. C. Whereupon Mr. B. was declared duly elected for the term of one year.

.....
Chairman.

.....
Secretary.

Any other business that may come before the meeting is also recorded in the proceedings.

11. The other kinds of school districts besides the school township which we have been studying, are the **Independent** districts of cities, towns, and villages and

the **Rural Independent** districts. In cities of the first class and cities of special charter the number of directors is seven; in districts of cities of the second class, towns and villages, there are five: in rural independent districts the board consists of three members. Directors in all independent districts are chosen for a term of three years, one or more being elected each year at the annual March meeting.

12. It may happen in a school township that a village grows up and the people demand better schools than the township affords. They may wish to have the number of school months increased, additional branches taught, a graded school and more efficient teachers. These advantages require an additional tax and to meet these conditions where the village has over one hundred inhabitants they may **Organize an Independent District**.

At least ten of the voters of the proposed independent district sign a petition addressed to the board of the school township, which contains an accurate plat of the proposed district. The school board then advertises in the usual way for an election in the said district. If a majority of the votes cast is in favor of the change, the board provides for another election at which the electors of the new independent district elect five directors, two of whom serve until the next annual meeting, two until the second, and one until the third.

13. The new district thus formed is not limited by the subdistrict or township lines but may not include smaller subdivisions of land than entire forty acre tracts. When an independent district has been thus formed, the rest of the school township remains organized for school purposes just as it was before.

14. Sometimes all the subdistricts in a school township are **changed to rural independent districts**. When this change is desired, at least one-third the voters of each subdistrict must petition the school board of the school township, which then provides for

an election in each subdistrict by posting notices in the usual way, at least thirty days before the election. If a majority of the votes cast in each subdistrict, favor the change, each becomes a rural independent district and the board provides for another election in each, at which three directors are elected to serve one, two, and three years respectively. Thus a school township containing nine subdistricts would when changed, become nine separate, independent corporations, each having its own board, officers, and meetings.

15. If the above change is not found to be satisfactory, one-third the voters of the township may request that they **return to the school township** organization. This written request is presented to the trustees of the township, who call an election. At least ten days' notice of the election must be given by posting notices in three places in each district, and by publication in a newspaper if one be published in the township. If a majority of votes cast are in favor of organizing a school township, each rural independent district becomes a subdistrict and elects one director on the first Monday of March following or the entire township may organize as an independent district with directors chosen at large.

16. Adjoining independent districts may unite into one independent district, if a majority of votes cast in each district is in favor of the change. An election in each district for this purpose must be called by the school boards if they are petitioned to do so by ten voters of each district. If there are less than ten voters in a district a majority of the voters need sign the petition. Boundaries of contiguous districts in the same county may be changed by the joint action of the two boards even to the extent of abolishing one district and uniting it with the other.

17. The demand for better schools at a relatively less expense has lead to the consolidation of districts and the **transportation** of pupils to a central school. In order to promote this plan, the law provides that

contiguous territory containing not less than sixteen sections of land can be established as a consolidated independent district by vote of the electors residing on such territory. The plan, however, must meet with the approval of the county superintendent and the territory remaining in the school corporations from which the consolidated district is taken must consist of not less than four government sections. When it is proposed to include a town or village district the people outside are allowed to vote on the proposition separately.

18. On the third Monday in March, the directors in all independent village, town, and city districts meet and proceed to **organize**. Those of rural independent districts and school townships meet for the same purpose on the first day of July unless that day falls on Sunday, in which case on the day following. To "organize" is to elect a president from among the members of the board who is entitled to vote as a member of the board. The certificates of election may be presented and read by the secretary. Each member qualifies for office by taking the oath to support the constitution of the United States and of the state of Iowa, and to perform faithfully the duties of the office. Anyone of the directors may administer the oath of office to the others or to the president of the board.

19. The boards of all independent village, town, or city corporations are likewise required to meet on this same day in July. It is required of all boards thus met that they shall settle with the secretary and the treasurer for the year ending on the thirtieth day of June preceding. At this meeting each board elects from outside its own membership a secretary, but in independent districts no teacher or other employe of the board may be chosen. Boards of independent village, rural independent districts and school townships also elect at the same time a treasurer who may not be a member of the board. In town or city corporations the treasurer is elected by the voters for a term of two

years. Besides these required meetings each board may hold other meetings at such times and places within the corporation as it desires.

20. The school board must provide at least six months school in each subdistrict, unless excused by the county superintendent; hold the regular meeting in July, make contracts to carry out the wishes of the people of the school corporation, as shown by their votes; allow all just claims against the district to be paid; attend to election of teachers and decide what wages shall be paid them, and make a levy of the amount of money needed for the maintenance of the schools. They should provide books for poor children when not doing so would deprive the children of school privileges. If the voters of their school corporation have so ordered, the board must purchase text books to loan to pupils.

It is the duty of every school officer to look to the enforcement of the compulsory education law and for this purpose the board is empowered to employ truant officers.

21. The treasurer has charge of all the funds belonging to the district, keeps an account of all money received and paid out, showing to which fund it belongs, pays out money only on orders signed by the president and secretary, and makes a statement of finances to the board. He has four funds of which he must keep separate account: the teachers' fund from which teachers' salaries are paid: the school building bond fund for the payment of bonds issued for the building of school houses: the school house fund for the erection of new school buildings or extensive repairs on old ones, and the contingent fund for the payment of incidental expenses.

It is the treasurer's duty to make an annual report to the county superintendent embracing the amount held over, received, paid out, and on hand of the above funds.

22. It is the duty of the **secretary** to keep a record of all the proceedings of the board of directors, give notice of the annual meeting. on the second Monday in March, notify the county superintendent when each term of school begins and make an annual report to him. This report and also that of the treasurer must be handed in within five days after the July meeting of the board. If they fail to make these reports they forfeit the sum of twenty-five dollars and are required to make good all losses resulting from their failure, and their bondsmen are held for the payment of this sum. The secretary's report contains statistics relating to the teachers and pupils of his district and concerning the value, amount, and condition of school property.

He issues and signs all orders made by the board and records them, keeps an account of the expenses of the district and certifies to the county board of supervisors the amount of taxes the school board levies. In school townships he attends to distributing library books.

23. As the treasurer and secretary both have duties relating to the care of money of the district, and a failure to perform their duties faithfully might cause some loss to the district, each executes a bond of such amount as the school board determines. A bond is a written agreement on the part of the bondsmen to pay a sum sufficient to cover all losses that might accrue from the failure of the officer who executes the bond to perform his duty.

24. The **president** has no bond to execute unless he is personally intrusted with the disposition of some property of the district. It is his duty to preside at all meetings of the board, to call special meetings, to sign all orders for money and to sign all contracts made under the direction of the board.

25. The most important officer connected with the management of the school is the **teacher**. No one is permitted by law to receive compensation from the public

funds for teaching unless he possesses a certificate issued by the state board of examiners, which he has registered with the county superintendent of the county in which he wishes to teach. The contract with the teacher is signed by the president of the board and the teacher. It must be in writing, stating the length of term the school is to be taught, the compensation and such other matters as may be agreed upon. A daily register must be kept by the teacher showing the name, age, and attendance of every pupil in the school, and the branches taught. A certified copy of this must be filed with the secretary at the close of school. The school board has the right to discharge a teacher for incompetency, inattention to duty, or any other good cause.

26. The funds for the **support of the schools** come from two sources; from the state and from the district taxes. The United States government gave the state section 16 in every township and five hundred thousand acres additional for the maintenance of the school. This land has been sold and the proceeds is known as the permanent school fund. The income on this fund together with a small tax imposed by the state and all fines collected by the state are apportioned twice a year among the several school districts according to the number of children of school age in the district. It usually amounts to about \$1.50 per pupil, and is put into the teacher's fund. The largest part of the support for the schools comes from taxes imposed by the boards of directors on the property of the district. All school house taxes are voted by the people. The law fixes a limit on the amount of money that can be expended in any one year for the support of schools.

27. Any student who has completed the course of study in any school not offering a four-year high school course, may attend any high school offering a higher course of study, not exceeding a total period of four years. The tuition is paid by the school corporation in which he resides, and is based on the averaged cost of tuition and the average contingent expenses in the high school department of the nearest

high school offering a four-year high school course of study. He must present to the president or secretary of the school corporation in which he desires to attend high school, a certificate signed by the county superintendent showing proficiency in the common branches including civics and music. He must also present a certificate signed by the president or secretary of the school corporation in which he resides, stating that he is of school age and a resident of that school corporation.

The object of this law is to offer free tuition to all students desiring to obtain a high school education.

QUESTIONS.

1. To what does the school township correspond in territory?

2. What are the two general classes of school corporations?

3. Why is the annual meeting of the voters of the district of special interest? What are some of the things that can be done at this meeting?

4. How may a special meeting be called and what powers has it?

5. What are the duties of the subdirector?

6. What districts have three directors? Five? Seven?

7. How may a school township be divided into independent districts?

8. How may independent districts be erected into a school township?

9. How may adjoining independent districts be united?

10. Explain how consolidation may take place?

11. What are the principal duties of the school board?

12. Name the officers of the school board and give the duties of each.

13. Who must sign a teacher's contract? What record must he keep?

14. What is the permanent school fund? How are funds raised for the support of the schools?

15. Who may be admitted to high school in another corporation free of tuition? What certificates must be presented, and to whom?

16. How is the cost of tuition determined? By whom paid? What is the object of this law?

CHAPTER IV.

TOWNSHIP OFFICERS.

1. In studying about school officers we found that the township is frequently the unit of the school system. Every community of that size has other public business to attend to so in every township we find a set of officers entirely independent of the school officers. The public highways must be cared for and the cemeteries kept in order. There will necessarily be expenses which the people should pay in proportion to their wealth; thus an officer is required for the purpose of making a list of the people who own property, and affixing a valuation, so that each may be called upon to pay his share. Wherever people live as neighbors, they will have some business in common, and it always has been that differences which cause trouble will arise between some of the people. Officers whose duties are those of a judge are therefore necessary.

2. There are three officers, called **Trustees**, who oversee the general public business; such as roads, cemeteries, etc., and look after the welfare of the whole community.

3. In caring for the roads they have the power to expend the road fund of the township. They may contract with reliable persons to do the work of keeping the roads in repair which is done by advertising and letting the contract to the lowest responsible bidder or they may appoint one or not more than four road superintendents who work under their direction. These officers serve during the will and pleasure of the trustees, not to exceed one year, and receive a compensation of three dollars per day while employed.

4. They should look after the public health in every way they can and care for the poor. If anyone who is likely to become a public charge moves into a community, it becomes the duty of the trustees or any other officer of the township, or county, who may be required to furnish aid, to notify him to leave or send him to the county from which he came. Disabled persons are required to be supported by their near relatives and if they refuse to give aid, the trustees or county supervisors may bring action in court to compel them to do so.

5. Sometimes it might be much to the advantage of a community to have a railroad pass through the township and a little aid from the people might secure them the road that otherwise might pass some distance away. The trustees may submit to a vote of the people the question whether a tax be levied to aid in building the railroad to pass through their township. All other questions involving unusual taxation must be submitted by them to the people.

6. If two farmers should have some difficulty about stock breaking through a fence, it would be the duty of the trustees to view the fence and decide whether or not it is a lawful one. If any person should complain that his property has been improperly assessed, the trustees should investigate the matter at the proper time. As they have considerable business to attend to for the township, they should keep a record of their proceedings, and for this purpose an officer, called the township clerk, is elected. They must secure a place for holding elections and also oversee them. They require the township clerk to give sufficient bond to insure the safe keeping of the township's money and the road implements and tools that are in his care. When a vacancy occurs in any township office they fill it by appointment, but in case there are no trustees the auditor of the county makes the appointment.

7. This power of appointment frequently saves the people the expense of an election and gives general satisfaction.

8. The trustees receive two dollars per day when engaged in official business. When acting as fence viewers or in any similar capacity, they are paid by the parties requiring their services. When assessing damages caused by trespassing animals their fees are one dollar each, per day.

9. The **Township Clerk**, besides having the duties already mentioned, is one of the clerks at election. He is required to post at the place of voting a statement of all the receipts and disbursements of his office for the preceding year. He preserves the poll-book which contains the names of all the voters. He posts a list of all the township officers. If there should be a tie vote he notifies the contestants to appear before him and one of the trustees to decide their election by lot. The names of township officers are reported to the county auditor by him and he approves the bonds of all township officers except his own.

10. When a vacancy occurs in any office in the township he notifies the trustees to meet with him to fill the vacancy. He makes out a plat of the roads to give to the road superintendents and also gives them a list of all persons required to pay road poll tax. He is treasurer of the township and receives the money due his township from the county treasurer. If a highway superintendent neglects to do his duty the clerk must bring suit against him.

Someone in the township may own swamp or marsh lands that he wishes to drain but cannot make satisfactory terms with those through whose land the drain must pass. He may file an application for the drain with the township clerk, who charges him a small fee, and notifies the trustees, who settle the case according to law as their judgment dictates.

11. In some counties where there is no stock law the owner of animals running at large may brand

them and have their brand or mark recorded by the township clerk.

This officer is allowed two dollars per day while engaged in official business and a small per cent on a part of the township money handled by him. Part of his income arises from fees.

12. We have noticed that some one must make a list of all the taxable property and property owners, so that the taxes may be justly apportioned among the people. The **Assessor** is the officer who does this, with the assistance of the property owners. He makes a list of those subject to military duty and an enumeration of all the children of deceased soldiers, that must contain the name, age, and sex of each child, and the company and regiment to which the father belonged. He meets with the trustees who correct his books and equalize assessments on the first Monday in April of each year. One copy of his assessment book he leaves with the clerk and returns the other to the county auditor. Every odd-numbered year he gathers statistics relating to crops of all kinds of the previous year, the acreage of the different kinds of grain, the number of heads of each kind of stock, the orchards, forests, groves, etc. Every tenth year, beginning with 1875, he takes a census of his township. Each year he gathers statistics of the births in his township and reports them to the county auditor who transmits them to the clerk of the district court. Before entering upon his work he executes a bond for the faithful performance of his duties. His compensation is fixed by the county supervisors.

13. **Justices of the Peace** are officers whose duties are similar to those of a judge. They are really county officers, though elected by the people of the township in which they reside. Lawsuits may be tried before them if the amount involved does not exceed one hundred dollars, or three hundred dollars if the parties consent. Criminal cases may be tried before a justice, if the greatest punishment for the offense involved

does not exceed a fine of one hundred dollars or imprisonment for more than thirty days in the county jail.

14. A justice cannot try cases that arise outside of the county, and his jurisdiction may be restricted within the county. When an offense has been committed the punishment of which exceeds the jurisdiction of a justice, and the case is brought before him for trial, it is his duty to make a preliminary examination of the offense. If the facts and evidence are such as to warrant it, he must bind the offender over to the district court to await the action of the grand jury in such bail as the law directs and his judgment suggests. In any case tried before him, when a jury is demanded, he must grant it. The jury consists of six members, unless the parties agree on a smaller number. Each party in the suit is entitled to three peremptory challenges against jurors presented.

15. Actions in a justice court are commenced by voluntary appearance of all the parties concerned or by notice. The notice must be signed by the plaintiff, his attorney, or the justice before whom the action is commenced. It is then delivered to the sheriff or any constable of the county to be served upon the defendant. The trial must be held within fifteen days from date of notice and the notice served at least five days before the trial day. The defendant in civil cases, may at any time; stop the proceedings by paying the amount of the claim with the costs that have accrued.

16. Before the trial, if either party thinks he can not receive justice at the hands of the officer before whom the action is brought he may file an affidavit stating the fact and have the trial before another (nearest resident) justice. Or if one of the parties wants the justice as one of his witnesses he may have the place of trial changed. This is called a change of venue.

17. When a boy or girl is convicted of crime in his court, the justice may send the offender to the district

judge (see paragraph 1, chapter VII.) to be ordered to the reform school. He may solemnize marriages, bind over disorderly persons to keep the peace, and take acknowledgements of signatures to deeds, mortgages and other papers.

18. Each justice keeps a record of all his official acts. As he is a county officer his bond is kept in the office of the clerk of district court. All fees he receives in excess of a certain salary, which varies according to population of his township, he must turn over to the county treasurer.

19. For the purpose of summoning jurors, subpoenaing witnesses, serving notices on defendants, and in general waiting upon the justice's court, an officer called a **Constable** is elected. As there are two justices elected in each township, so are there two constables. The latter are also county officers. They must serve all notices, warrants, and other processes lawfully directed to them by the trustees or clerk of any township, or by any court. They are peace officers, and as such must suppress all disorder. Their compensation arises from fees and they must turn over to the county treasurer all they receive in excess of a certain salary, which depends upon the population of their township.

19. An assessor, a clerk, two justices, two constables and three trustees are elected at each general election, each serving two years. The bonds of township officers are deposited in the office of the county auditor.

QUESTIONS.

1. What relation exists between the trustees and clerk?
2. Who constitutes the board of health? Of equalization?
3. How do the duties of constables relate to clerk and trustees?

4. What duties of clerk depend upon those of assessor? How?

5. How do the duties of road superintendent depend upon those of clerk?

6. What township officers are not required to give bonds?

7. How are vacancies filled?

8. If estray animals should die on the highway, who should remove them?

9. What officers elected in the township are county officers?

10. May the roads of a township be attended to without road superintendents? How?

SUBPŒNA.

State of Iowa,)
) ss.
.....County.)

To..... (name or names of parties subpœnaed.)

In the name of the State of Iowa, you are required to appear at the office of the undersigned, a Justice of the Peace, in and for the township of.....in said County, at.... o'clock,M., on the.....day of....., 19...., to testify in a suit wherein....., Plaintiff, and Defendant, for the..... (Plaintiff or Defendant.)

Given under my hand this.....day of.....A. D., 19....

.....,
Justice of the Peace.

I hereby certify and return that the above came into my hands for service on the.....day of....., 19...., and that on the.....day of....., 19...., I personally served the same upon the within named..... (here insert names of parties) by reading said subpœna to (name or names of parties.)

.....,
Constable.

Constable Fees:

Service \$.....

Mileage \$.....

\$.....

Filed....., 19....

.....,
Justice of Peace.

CHAPTER V.

CITIES AND TOWNS.

I. We have examined the manner of attending to the public business in townships where the population is not crowded. Where the population is dense there will be more public business and more public needs. Regulations must be more numerous and greater care must be taken to protect the people against disease. Such conveniences as sidewalks, and if the town is large enough, water-works and electric lights may be provided. Thus a city or town should have a government independent of the township government. When a village is started and the people recognize that they should have a town government, twenty-five of the qualified electors of the community sign a petition asking that their village be incorporated. The petition must contain an accurate plat of the land, correctly located, the proposed name of such city or town, and satisfactory proof of the residence of the petitioners within the territory embraced in the limits of the town. It must be presented to the district court of the proper county and the court at once appoints five commissioners, who call an election of the people of the proposed town by giving three weeks' notice. The commissioners oversee and attend to the election. If a majority vote in favor of incorporation, and it is approved by the court, the commissioners give two weeks' notice of an election, at which all the officers of the town are to be elected. When the officers are elected and the court has approved the election and recorded it, and the clerk has sent one copy of the notice with proof that it has been published to the office of the recorder to be filed and one to the office

of the secretary of state at Des Moines, the incorporation is complete. The town then has a right to make and enforce its own laws. It can levy additional taxes, enforce the building of sidewalks, and provide such other public conveniences as will best subserve the public interest.

2. During the colonial period of our country's history, several colonies were governed by special charters, which granted them, to some extent, the right of self-government. These charters were written documents signed by the king and permitted special privileges not allowed to other colonies. The charter of Connecticut allowed that colony to elect their own governor, while the king reserved the power to appoint the governor in most of the colonies. In the early history of our state, cities were governed in a similar manner. The cities of Keokuk, Glenwood, Cedar Rapids and Dubuque, are still governed by **special charters** granted them by the legislative power of our state before the adoption of the new constitution in 1857. The new constitution forbids the granting of special charters to cities and towns.

3. Cities of the first class are those having a population of over 15,000; those of the second class have a population of over 2,000, and incorporated towns of less than 2,000. They hold elections on the last Monday in March, biennially.

4. The officers of an incorporated town consist of a council of five members, a mayor, clerk, treasurer, and assessor, all elected by the people. A majority of the council together with the mayor constitutes a quorum for the transaction of business. The mayor, clerk, treasurer, assessor and councilmen are elected for a term of two years. The mayor presides over all meetings of the council when present and has a vote on all questions coming before them. The clerk is secretary of the council and records their proceedings, but has no vote. The council may provide for the election of subordinate officers, define their

duties and fix their compensation. The mayor appoints a marshal, whose duties are similar to those of a constable, and the council appoints a street commissioner. The council has power to fill vacancies in office. It is the law-making power, constitutes the board of health, must oversee the poor, and make such laws or ordinances as are best for the town and permitted by the statutes of the state.

5. In cities of the second class the council consists of two members chosen from each ward. They serve two years. In cities of the first class the council consists of one member from each ward and two at large. Their term of office is two years.

6. The officers elected in cities of first class are mayor, solicitor, treasurer, auditor, city engineer, assessor, and police judge where there is no superior court. In cities of second class they are mayor, solicitor, treasurer and assessor.

7. In cities the duties of the council are more numerous and extended than in incorporated towns. Cities of the first class are permitted to have different arrangements from those of the second class, and the larger cities enjoy a few special privileges not given to the smaller ones of the first class. Thus larger cities have all the powers of smaller ones and some additional powers.

8. In general the council possesses all the legislative powers granted a city or town; manages and controls the finances of the city; organizes fire companies; establishes a city watch or police; has care of all public property; controls and keeps in repair all streets, alleys and bridges; and has exclusive right (with some exceptions) to grant licenses for the establishment of special industries that, according to the state laws, require license. It is the board of equalization of taxes for the city and it may take any special measures it deems proper for best administering to the poor or dealing with criminals.

9. The **Mayor** is elected for two years. He presides at the meetings of the council and signs all commissions, licenses, permits, and acts of the council which require his signature, but has no vote in cities except in cases of a tie. He has the right to veto acts of the council under certain restrictions. As chief executive officer of the city, it is his duty to see that all ordinances and regulations of the council are enforced. He should see that all disorder and riots are suppressed and perform all duties the council may require of him. He has charge of the corporate seal of the city. The seal is generally affixed to all orders, certificates and permits. The state law requires it to be affixed to all transfers of real estate disposed of by the town.

10. He also acts as justice of the peace. He may solemnize marriages, arrest persons fleeing from justice, consent to the adoption of a child, and surrender a boy or girl to the home of the friendless. He looks after the conduct of city officers, and causes violations and neglect of duty to be corrected or reported for punishment.

11. The **City Assessor** has the same duties as the township assessor. In large cities the assessor is allowed to appoint assistants. His term of office is two years.

12. The **Marshal** is appointed by the mayor. His duties in cities are about the same as in incorporated towns. He is the head of the police department and attends upon the sittings of the mayor's and police courts.

13. The **Treasurer** receives and keeps all money belonging to the town or city, and pays it out only on orders from the proper authorities.

14. The **Clerk** or recorder has charge of all public records, documents, ordinances, resolutions, and orders of the council. He keeps a record of all the proceedings of the council and draws warrants upon the treasurer only on their vote.

15 He notifies the treasurer of the number and amount of all warrants drawn on him.

OTHER CITY OFFICERS OF LARGER CITIES.

16. Cities of the first class elect a city **auditor**, who has general charge of the finances of the city, audits all accounts and performs such other duties as the council may require of him. Cities also elect a **police judge** if there is no superior court, who has the same powers as a justice of the peace in all criminal cases.

17. The **City Engineer** has general oversight of grading the streets, laying of drains, etc.

18. The **Solicitor** is the city's lawyer. He is elected for two years.

19. **Street Commissioners** and **Weighmasters** are appointed by the council, or elected by the people.

City officers give such bonds as the council may require.

20. For convenience it is found best for large cities to have courts of their own for the trial of cases above the jurisdiction of a justice, so that the district court of the county may not be crowded. Accordingly, cities having a population of over 5,000 may establish a **superior court** if a majority vote in favor of it. The judge of this court is elected for four years, and after his election must receive a commission from the governor of the state empowering him to act as judge. He gives a bond to the state of Iowa in the sum of four thousand dollars which must be filed with and approved by the mayor. His salary is two thousand dollars per year. He must be a practicing attorney in order to be eligible to the office.

21. We have seen that in cities and towns there is the council that makes the laws. There is the mayor who enforces the laws; for example, when the council has ordered a sidewalk made and the persons owning the property adjoining the proposed sidewalk neglect to obey, the mayor may have the walk built and the amount charged to the owner. Then if the

owner neglects to pay it, the expense of the walk becomes a lien on the property and the owner cannot sell it and give a clear title to the property until the lien is paid.

22. There are the justice courts, the police court judge and superior court where offenses against the law may be tried. The clerk or recorder, treasurer, marshal, assessor, superintendent of markets, weigh-master, city engineer, and street commissioner belong to the list with the mayor, for in attending to their duties they are executing the laws.

23. The law-making power is called the **legislative department**, the law-enforcing power, the **executive department** and the power which tries cases and decides whether or not any law has been violated is called the **judicial department**.

24. In city government we find these departments more nearly separated than in the township government. However, we find the mayor is a judicial officer as well as executive, as he has the same power as a justice of the peace. The council has some executive powers, as it appoints some of the executive officers and may remove any officer for neglect of duty. If any officer is accused of neglect of duty the council may give his case a hearing. In such instance they exercise judicial power. The township trustees exercise all three powers to some extent as do school boards.

25. Cities having a population of 7,000 or over, including any city acting under a special charter, may organize under the commission form of government. Cities thus organized nominate their candidates for mayor and councilmen at a primary election held on the second Monday preceeding the general municipal election. The two candidates receiving the highest number of votes for mayor shall be the candidates and the only candidates whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election. In cities having a population of 7,000 and less than 25,000, the four candidates

receiving the highest number of votes for councilman, or all such candidates if less than four, shall be the candidates and the only candidates whose names shall be placed upon the ballot for councilmen; in cities having a population of 25,000 or over the eight candidates receiving the highest number of votes for councilman, or all such candidates if less than eight, shall be the candidates and the only candidates whose names shall be placed upon the ballot for councilmen.

Qualifications for an elector, election precincts, method of conducting election, canvassing the vote and announcing the results are the same as in cities of the first and second class not having this form of government. Cities having a population of 25,000 and over shall be governed by a Council consisting of the mayor and four councilmen, three councilmen constituting a quorum, and cities having a population of 7,000 and less than 25,000, shall be governed by a council consisting of the mayor and two councilmen, two councilmen required to constitute a quorum. This council exercises all the executive legislative and judicial powers and duties possessed and exercised by the mayor, city council, solicitor, assessor, treasurer, auditor, city engineer and other executive and administrative officers in cities of the first and second class organized under former plan of government. This form of government is generally known as the Des Moines Plan, and is highly commended.

QUESTIONS.

1. Explain why a city should have a different government from a township.
2. Tell how a village may be incorporated.
3. Define first class city, second class city, incorporated town.
4. Who makes the laws of a city?
5. What officer sees that the laws are enforced?
6. Name the officers who execute the public business.
7. Give the principal duties of each.

8. What officers have power to try offences against the laws of a city?

9. To what extent does a police judge have jurisdiction?

10. How is a superior court established? Why is it needed? What must the judge do before he enters upon his duties?

11. Give a list of the general duties of a council.

12. How many councilmen in cities of the first class, second class, incorporated towns?

13. In which does the council have the greatest power?

14. Why are not salaries of city officials fixed by law?

15. Can you show why it is best for a city to build scales and appoint weighmasters to weigh produce brought to the city?

16. What is the date of city elections?

17. What officers besides members of the council are elected in cities of first class, in cities of second class, in incorporated towns?

18. Name the three departments of government.

19. Define each.

20. When does a mayor exercise judicial power? Executive power?

21. What powers of township trustees are executive? Which judicial? Which legislative?

22. Name the officers of a township whose duties are executive.

23. Name those whose powers are judicial.

24. Describe commission form of government.

CHAPTER VI.

COUNTY GOVERNMENT.

1. It would be expensive for each township to establish a poor-house or to have an officer for the purpose of keeping a record of the lands and who owned them so that a land owner could prove his title to his land. A township could ill afford to hold a court for the trial of cases that are beyond the jurisdiction of a justice; and as it would be very inconvenient for a township to attend to this and other local public business, it is found to be much to their advantage for several townships to unite for this purpose. This gives us the division called the county.

2. Iowa is divided into ninety-nine counties, the average size of each is about twenty-four miles square; thus comprising sixteen townships. Some counties are larger and some smaller. The largest contains twenty-eight and the smallest about ten or eleven congressional townships. Our state constitution forbids the formation of new counties containing less than four hundred thirty-two square miles except those along the northern boundary of the state.

3. Each county has county officers who look after the general business and are to the county much as the trustees are to the township. They constitute the board of supervisors.

4. We have learned that the township clerk is clerk of the board of trustees and also treasurer of the township. These duties and others occupy but a portion of his time, but the same duties extended to the larger county government, together with some additional, are so extensive that they must be divided among several officers, the auditor, the treasurer and

recorder. There are no county officers corresponding to assessor and road-supervisors. The duties corresponding to those of justice of the peace are divided between the clerk and judges of the district court. The sheriff is the county constable.

5. The Board of Supervisors make such orders concerning the property of the county as they deem expedient; examine and settle all accounts of receipts and expenditures and allow all just claims against the county, unless otherwise provided for by law; build, insure, and keep in repair the necessary buildings for the use of the county and courts. If there are no county buildings they may secure suitable rooms for county purposes. They may organize townships, make and change their boundaries and names; grant licenses for keeping ferries in their county as provided by law; purchase real estate for the use of the county or sell property in their charge; require any county officer to make a report, under oath, to them on any subject connected with the duties of his office and require any such officer to give such bonds as shall be reasonable or necessary for the faithful performance of his several duties. They have power to fill vacancies in county offices.

6. They represent their county and have charge of the business of the county in all cases where no other provision is made; manage and control the school fund; fix compensation of county and township officers not otherwise provided for by law; establish, alter or discontinue a county highway; provide for the erection of all large bridges which may be necessary, and keep them in repair; determine what bounties in addition to those already provided for by law, if any, shall be offered on the scalps of such wild animals taken and killed within their county, as they may deem it expedient to exterminate. No such bounty shall exceed five dollars.

7. They exercise all powers in relation to the poor given by law to county authorities; canvass the returns

of county elections; equalize the assessments of the townships; and submit to the people questions of erecting buildings or bridges costing over \$5,000, of changing the location of the county seat, of whether animals shall run at large, and of whether a higher rate of tax than that allowed by law shall be levied.

8. They levy taxes; provide ballot boxes and booths for each voting precinct; and furnish justices of the peace with dockets.

9. The board of supervisors generally consists of three members, but may consist of five or seven as the people desire. They are elected for a term of three years, a part being elected at each general election. To meet the conditions of the biennial election law, a part of the terms do not begin until the second January after election. Their regular annual meetings are on the first Mondays of January, April, June, September and the first Monday after a general election.

10. They receive four dollars per day when engaged in session business and three dollars per day while engaged in committee business; also five cents for each mile traveled in going to and returning from their work.

In counties where there is a uniformity of textbooks, the board of supervisors, together with the county superintendent and the county auditor, constitute the county board of education.

11. The **County Auditor** is clerk of the board of supervisors. He keeps a record of their proceedings and furnishes it to newspapers for publication. He may fix date and give notice of special meetings of the supervisors when requested by a majority of the board. He has general custody of the court house. If an assessor of any township fails to take the census when required, he appoints some one to do it. When a new township is organized he issues a warrant for an election therein. He furnishes poll-books for election precincts; election returns are made to him and he gives notice to contestants who have received the highest

equal number of votes for the same office, to meet at his office on a certain day to decide the case by lot. He issues certificates of election to county officers and keeps their bonds. His own bond, however, is kept by the treasurer. At any trial of contested elections he is clerk of the court, which is comprised of the chairman of the board of supervisors and two persons one of whom each contestant selects. When a vacancy occurs in the office of justice or constable, he notifies the township clerk and approves the bonds of officers appointed to fill the vacancy. Resignations of county and township officers are made to him. He makes out the tax list of the county; attends tax-sales and keeps a record of them; enters poll-taxes not paid in labor or money on the tax list to be collected by the treasurer; and apportions the school tax and school fund to the various districts.

12. Every transfer of real estate in the county is recorded in his office in a transfer book and the names of owners are entered on a plat book, so that in his office anyone may find who is the owner of any piece of land in the county.

13. He draws all warrants on the county treasury, under orders of the board of supervisors, except jury fees to which the supervisors do not certify. In January each year he publishes a report of the financial business of the county.

14. County Auditors receive compensation varying from twelve to fourteen hundred dollars per annum depending on the population. Where it is more than twenty-five thousand, the board of supervisors may allow such additional compensation to the auditor, deputy or clerks as they may deem reasonable.

15. The **County Treasurer** has charge of all the money belonging to the county and pays it out only on warrants signed by the auditor and sealed with his seal. He keeps a true account of the receipts and disbursements.

All taxes must be paid to him. Taxes are due on the thirty-first day of December following the levy, but if half is paid before April 1 the remainder may be left unpaid until the first of October. If unpaid, taxes are delinquent and the property must be sold by the treasurer after the proper notice has been given. When land is sold a certificate is given the purchaser which is a lien on the land.

As he receives all the taxes of the county, the township clerks and treasurers of school boards call on him at stated times, as provided by law, for amounts due them. He makes monthly statements to the county auditor and also to the state auditor, and pays into the state treasury on or before the fifteenth of each month all money belonging to the state that was in his possession on the last day of the preceding month.

He shall with the approval of the board of supervisors as to place of deposit, deposit such funds in any bank or banks in the State to an amount fixed by resolution, at interest at the rate of at least two per cent per annum on ninety per cent of the daily balances payable at the end of each month. Such banks shall file a bond in double the amount deposited, conditioned to hold the treasurer harmless from all loss by reason of such deposit or deposits.

Fifty thousand dollars is the average bond required of county treasurers throughout the state. The minimum bond is five thousand dollars.

16. The **County Recorder** must keep his office at the county seat as do all county officers who devote their full time to the duties of their offices. He records, carefully and promptly, all instruments in writing which may be delivered to him for record, in the manner directed by law. Such instruments are deeds, mortgages, articles of incorporation, evidence of titles of land held under grants, certificates of physicians, and certificates of farm names.

He records no deeds for land until the same have been entered on the transfer-book of the auditor. The

records in his office show who received the original deeds or patents for land in his county, from the government and all the changes in ownership from the original entry down to the present time.

17. For recording each instrument of four hundred words, he receives a fee of fifty cents, and for every one hundred additional words or fraction thereof, ten cents. This fee is deposited quarterly with the county treasurer. He may have one or more deputies as the board of supervisors may direct. A fee for recording a deed to real estate, is seventy-five cents, but twenty-five cents of this is paid to the county auditor for entering the land for taxation in the name of the purchaser. The salary is twelve hundred dollars a year in counties having a population of less than twenty-five thousand, and increases according to population of county.

18. We have learned that in every county there is a higher court in which cases are tried that are beyond the jurisdiction of the justices. This court meets at least four times per year and every county has an officer called the **Clerk of the District Court**, who keeps a record of its proceedings.

19. He issues license for marriage and keeps a record of marriages, births, and divorces in his county, which he sends to the secretary of the state board of health. When court is not in session he appoints guardians, administrators and executors. Anyone having a will in custody* should file it as soon as he hears of the death of the testator.** The clerk then opens and reads the will and appoints a day for proving*** or probating it.

20. Bonds of justices of the peace are kept in his office. His compensation cannot be over eleven hundred dollars per year unless the population exceeds ten

*Having charge of the will while the testator lives.

**The one who makes the will.

***Hearing evidence concerning the validity of the will.

thousand. His salary varies as the population, but cannot be more than thirty-three hundred dollars per year.

The board of supervisors may, in addition to the salary, allow the clerk out of the probate fees an additional compensation not exceeding three hundred dollars.

21. The clerk, with the consent of the board of supervisors, may appoint a deputy to aid him in the transaction of his business. The maximum salary is determined by law and varies according to the population of the county.

22. We have learned that the constable waits upon the justice court, subpoenaing witnesses and jurors. In the same way the **Sheriff** waits upon the district court. He may also attend a justice court and perform the duties of a constable. When any warrant for an arrest is committed to him he must make the arrest and must execute any other legal process committed to him. He has charge of the jail of his county and the prisoners. He must appoint at least one deputy who is paid by him out of his salary. In extreme cases the sheriff may call out the militia.

23. In executing bill of sale on foreclosure of chattel mortgage or to satisfy judgment of court the sheriff must seize and sell property, but in any such sale he cannot buy the property. He executes judgments of the district court. If it sentences a criminal to the state prison he conveys the prisoner thereto, and when a death sentence is pronounced by the court the sheriff must execute the prisoner.

24. He must give notice of any general election by publishing the governor's proclamation ten days prior thereto. In taking private property for public use, in case the parties disagree as to just amount of damages, he may appoint a jury to assess the same. When a jury is deliberating upon a case he must supply them with food, as the judge may direct.

25. The sheriff receives an annual salary which varies from fifteen to thirty-five hundred dollars according to the population of the county. He is allowed the expenses necessarily incurred while engaged in the performance of official duties in serving criminal cases, and is allowed to retain all mileage collected by him in the service of civil process.

26. The **County Superintendent** has general oversight of the schools of the county, and four times a year under the direction of the state board of examiners, is required to hold examinations for those who desire to teach. He is judge as to whom he shall admit to the examination and determines the standing of the candidates in didactics and oral reading. The marking of the papers in the other subjects is under the control of the state board of examiners and all certificates are issued by them. When in the judgment of the county superintendent there is sufficient grounds for so doing he may revoke a certificate. His decision, however, is subject to review by the state superintendent.

27. The other duties of this officer are many and varied. He is required to spend at least one-fourth of a day each year in each school of his county. He approves plans for new school buildings; gives advice to school officers and teachers for the conducting of their schools; holds an annual institute and such other educational meetings as he thinks necessary for the instruction and inspiration of teachers. Each year he makes an extensive report to the state superintendent containing information and statistics relative to the schools of his county gathered from the reports of the school officers and teachers. Persons aggrieved at the action of a school board may appeal to the county superintendent. From his decision an appeal may be taken to the state superintendent.

28. This officer receives a compensation of twelve hundred fifty dollars per year and such further sum as the board of supervisors may allow. When attending

meetings called by the state superintendent, his expenses are paid, and when attending educational meetings or visiting schools in his own county, his necessary expenses are allowed not to exceed twenty dollars each month.

29. The **County Attorney** is the county's lawyer and must prosecute offenders of the law, give advice to county officials in matters pertaining to their official duties, attend the grand jury and give them advice in any legal matter. His compensation cannot be less than nine hundred nor more than seventeen hundred and fifty dollars (if court is held in two places in the county, it may be two hundred and fifty dollars more), according to the population of the county and the liberality of the board of supervisors.

30. The principal duty of the **Coroner** is to hold inquests over the bodies of persons who die in an unusual manner. He may impanel a jury and has power to summon witnesses and compel them to give testimony. He may also call one or more physicians to assist in the examination. He keeps a record of the evidence and the conclusion of the jury, which is returned to the district court with a list of the witnesses. If during the progress of the examination it appears that a crime has been committed the coroner may have the person or persons of whom he has suspicion arrested.

31. If the office of sheriff becomes vacant or in cases where the sheriff is personally interested or prejudiced, the coroner performs the duty of that officer. He receives five dollars for holding and returning an inquest, three dollars for viewing a body without holding an inquest, and five cents per mile for every mile traveled in going to and returning from an examination or inquest; for issuing a subpoena, warrant or order for a jury, twenty-five cents. These fees are paid out of the county treasury, when they cannot be obtained from the estate of the deceased.

32. The treasurer, auditor, clerk of the district court, recorder, sheriff and superintendent are provided with offices and all necessary office expenses are paid.

33. The code of our state allows women to serve as superintendents and recorders, and as the latter may serve as auditor or treasurer, the question of whether or not women can lawfully serve in these offices might arise.

34. If the people of a small county should wish to curtail expenses, and the duties of treasurer and recorder were not too heavy for one office, they would have the right to elect one man to both positions. They could also elect one person to the positions of auditor and clerk of the district court.

35. The **Commissioners of Insanity** are three in number in each county. The clerk of the district court is one and the judge appoints the other two, one of whom must be a lawyer and one a physician. They have general oversight of the insane in public charge in the county, and of application for admission to the insane hospitals of the state.

36. All county officers are elected for a term of two years at the general county elections, and are required to give bonds in such sums as the law provides or the county board of supervisors may determine.

37. **Removal from Office.** Any county attorney, sheriff, member of the board of supervisors, mayor, police officer, marshal or constable may be removed from office by the district court or judge upon charges made in writing and hearing thereunder for the following causes: Wilful or habitual neglect or refusal to perform the duties of his office, for wilful misconduct or maladministration in office, for corruption, for extortion, upon conviction of a felony, for intoxication or upon conviction of being intoxicated.

STATE OF IOWA.

CERTIFICATE OF ELECTION.

.....County.

At an election holden in said county on the.....of
A. D., 19....,was elected to the office
 of.....for said county for the term of.....years
 from the.....day of.....A. D., 19...., and until his
 successor is elected and qualified.

Given this.....day of.....A. D., 19....

.....

President Board of Canvassers.

Attest:

.....

Auditor.

.....
 : Seal of :
 : Board of :
 : Supervisors :

COUNTY GOVERNMENT.

OFFICIAL BOND.

Know all men by these presents: That we, A. B., principal,
 and C. D. and E. F., sureties, are held and firmly
 bound, unto the State of Iowa, for the use and benefit of the
 county of.....in the penal sum of.....dollars, for
 the payment of which we bind ourselves, our heirs, execu-
 tors and administrators.

The condition of the above obligation is:—That whereas,
 the above bounden A. B. has been elected in and
 for said county.

Now, if the said A. B. shall render a true account of his
 office and the doings therein, to the proper authority, when
 required thereby or by law; and shall promptly pay over to the
 person or officer entitled thereto, all money which may come
 into his hands by virtue of his said office; and shall faith-
 fully account for all balances of money remaining in his hands
 at the termination of his office; and shall hereafter exercise all
 reasonable diligence and care in the preservation and lawful
 disposal of all money, books, papers and sureties or other prop-
 erty appertaining to his said office, and deliver them to his
 successor, or to any person authorized to receive the same;
 and if he shall faithfully and impartially, without fear, favor,
 fraud or oppression, discharge all other duties now or here-
 after required of his office by law, and the sureties on such
 bond shall be liable for all money or public property that

Signed this.....day of....., 19....

A. B.
C. D.
E. F.

C. D.

Notary Public.

E. F.

Notary Public.

1. Give some reasons why it is best to have the division of the county.
2. What is the size of counties?
3. What constitutes the legislative power of a county?
4. Give some of the principal duties of this body; its compensation.
5. Give the principal duties of auditor.
6. Give the principal duties of treasurer.
7. What is the compensation of auditor? Of treasurer?
8. Who canvasses the county election returns?
9. Give principal duties of recorder.
10. Give principal duties of clerk of district court.
11. What compensation do the clerk and recorder receive?

12. Give the principal duties of sheriff. What is his compensation? Who may act in his stead in case of his disability or a vacancy in his office?

13. What are the chief duties of the superintendent? What is his compensation?

14. What are the chief duties of the county attorney? His compensation?

15. What are the duties of the coroner? When are his fees paid by the county?

16. What are the duties of the commissioners of insanity?

17. How and when may a county officer be removed?

18. With whom are resignations filed? Give reasons why it is best for resignations to be filed with this officer?

19. Who changes the names and boundaries of townships?

20. May a person fill two offices of a county? In what instances?

21. To which offices are women eligible?

22. Which officers are provided with offices, lights and fuel?

23. What officers elected by townships are county officers?

24. Where must a physician have his certificate recorded?

25. What is probating a will? Who is the testator?

26. What is a tax sale? What officer makes such sales?

27. What reasons can you give that county officers except supervisors should give bonds? What reasons are there that supervisors should not give bonds?

28. What duty of a township clerk in newly settled districts correspond to those of a county recorder?

29. Write a certificate of election of a county officer.

CHAPTER VII.

THE DISTRICT COURT.

1. In the chapter on county government we learned that the district court was held at least four times a year at the county seat, but there is no county officer whose duty it is to preside over this court. For the purpose of electing judges to preside over the district courts our state is divided into twenty divisions, called judicial districts. They vary much in size. Polk county is one district, so is Dubuque county, while some districts contain eight counties. There are while some districts contain eight counties. There is one district that elects one judge, while some elect five. By this arrangement, each county does not bear the whole expense of a judge's salary*

2. There are fifty-six district judges** in the state. They arrange the time for holding court in the different counties. Cases tried in this court are usually decided by a jury of twelve men, the judge determining the sentence.*** The jurors are electors of the county chosen as follows:

3. The county auditor notifies the judges of election in every voting precinct, of the number of names that should be sent in from that precinct. The number is apportioned according to the number of votes cast at the next preceding general election. The judges make out two lists. The names on one of these lists, when returned from all the precincts, number one hundred and fifty. The other list numbers one-fourth of the qualified electors in the county.

*Thirty-five hundred dollars per year. Term of office four years.

**Other duties of the district judge: He may order juvenile offenders to be sent to the Reform School; appoint guardians, executors, administrators and also commissioners to attend to incorporation of towns; and solemnize marriages.

***Sometimes the judge suspends sentence in criminal cases, and then the person convicted is allowed to have his liberty during the period of his good behavior.

4. The grand jurors are selected from the smaller list, the trial jurors from the other. The former are chosen for one year, the latter for one term of court only.

5. A third list of names equal to 30% of the qualified electors voting at the last general election, is made from names of persons residing in or near the town or city in which the court is held. This is the talesman list from which jurors are drawn when, from any cause, the regular panel is exhausted.

6. The auditor writes each of the names on a slip of paper and keeps the names of each list in a separate box. At least twenty days before a term of court, the clerk of the district court, the auditor and recorder draw, from the large list, a sufficient number to fill the panel of the petit or trial jury. The number drawn may vary from fifteen to twenty-four. Those serving one year are not compelled to serve the next year.

7. Any voter of good moral character and sound judgment, who has the senses of hearing and seeing, and can speak, read and write the English language, is competent to act as a juror. A person sixty-five years of age, or a teacher, instructor or professor in any institution of learning, an officer of the state or of the United States, a physician, registered pharmacist, active member of a fire company, clergyman or attorney, is privileged from serving as a juror unless he chooses to do so. A person having bodily infirmity or one conscientiously opposed to serving as a juror is also exempt. A juror may be excused from serving as such if there is sickness or a death in the family, or if his own interests or those of the public would be greatly injured by his attendance.

8. When anyone lawfully chosen as juror fails to appear and does not give sufficient reason for such failure, he may be fined not to exceed fifty dollars, and if he disregards the fine, he may be imprisoned.

9. The **grand jurors**, twelve in number, serve one year, beginning with the term of court following the first day of January. They are chosen in the same way as the petit jurors. Only seven constitute the jury but all are expected to appear at the beginning of each term of court.

10. It is the business of this jury to bring accusations against offenders of the law which are called indictments. Anyone wishing to bring an offender to justice, should appear before the jury and present the case, and it would be the duty of the jury to investigate the offense. If they decide that the person accused should be tried they find an indictment* against him. Then the case will appear in court when its turn comes. It is the duty of each grand juror to report any offense of which he may know and have it brought before the jury.

11. It is the special duty of the grand jury to examine into the following:

12. The case of every person imprisoned in the jail on a criminal charge and not indicted; the condition and management of the public prisons within the county; willful and corrupt misconduct in office of all county officers; the obstruction of highways.

13. The judge appoints one member foreman, whose duty is to preside during the deliberations of the jury and administer oath to all witnesses examined. The jury appoints a clerk who keeps account of the proceedings. The clerk of the district court issues subpoenas when so directed.

14. The jury is entitled at all reasonable times to examine the county jail and all the public records within the county. They may ask advice of the judge or county attorney, and may have the latter present to examine witnesses when they deem it necessary.

*Five of the seven must vote for indictment in order to indict. If the members of the jury are challenged and there are, from any cause, less than seven of the twelve who can act on any case, then others are drawn from the grand jury list and summoned to act on that case.

(See appendix of this chapter for form of indictment.)

15. Every indictment must be endorsed "a true bill" and signed by the foreman. The endorsement must contain the names of the witnesses and the testimony of the witnesses should accompany the indictment.

16. At the beginning of a suit in court the clerk selects by lot the requisite number of trial jurors from those who make up the panel. Either party of the suit may object to any juror. This is called challenging. As a jury is made up from the same county in which the difficulty has arisen, it is possible that there may be some jurymen who are prejudiced, and it is just that the parties be allowed to challenge such jurors.

17. **Challenges** are of two kinds: "For cause," that is, that in some way the jurymen is disqualified from serving; or "peremptory," in which no reason is given for the objections. A party cannot make more than five peremptory challenges in civil cases. In criminal cases the number varies with the degree of the crime, but in no case are more than ten allowed.

18. Challenges for cause must first be made, and if the judge allows it, the challenged juror is excused. After challenges of this kind have been exhausted or refused by the judge, peremptory challenges may be made alternately by plaintiff and defendant, the plaintiff having first privilege. Jurors are always excused on challenges of this kind.

19. After challenges have been exhausted and the jury box filled, the jurymen are sworn and the witnesses are examined in regular order until the trial is completed. The arguments of the lawyers are next heard. The judge instructs the jurors as to the law, and places them under a sworn officer, called the bailiff. They then retire for deliberation and must either agree or disagree upon a verdict; this is reported to the court. If during the progress of the trial the jurors separate it is their duty not to enter into conversation with any other person about the suit.

DEPOSITIONS AND AFFIDAVITS.

20. An affidavit is a statement made in writing and sworn to before some competent officer (justice of the peace, notary public, etc).

21. A deposition is about the same, but the opposing party is notified and may be present and cross-question the witness who is giving the testimony.

22. Sometimes it is inconvenient or impossible for a witness to attend court; he may be sick or too far away, perhaps in another state. In such cases a deposition may be taken and the testimony presented at the trial.

QUESTIONS.

1. Why are judicial districts desirable?
2. How many districts are there? How many judges? Their salary? Term of office?
3. How many compose a jury?
4. Describe the method of selecting jurors.
5. What is the duty of the petit jury? Of the grand jury? How long do members of each serve?
6. Who may be jurors? Who are excused? For what causes may a judge excuse a juror?
7. What is the penalty for neglect of duty as a juror?
8. Who may constitute the grand jury?
9. What is an indictment? What are some special duties of the grand jury?
10. Write a form of an indictment. (See close of this chapter.)
11. Give orders of proceedings in a trial.
12. Define the two classes of challenges.
13. How may evidence of an absent witness be presented in court?
14. Give duties of the foreman of a grand jury.
15. In which judicial district do you live? What counties in your district? How many judges does your district have? (See close of chapter.)

APPENDIX TO CHAPTER VI.

FORM OF INDICTMENT.

District Court of County of.....,
State of Iowa against A. B.—

The grand jury of the county of....., in the name and by the authority of the State of Iowa, accuse A. B. of the crime of (here insert name or description of crime) committed as follows:

The said A. B. on the.....day of....., A. D. 19.., in the county as aforesaid (here insert act constituting the offense).

.....County Attorney.

of.....County,....Judicial District.

Every indictment must be endorsed "a true bill" and signed by the foreman of the jury. The endorsement must contain the names of the witness and their testimony should also accompany the indictment.

Judicial Districts of Iowa.

First—Lee. Two judges.

Second—Appanoose, Davis, Jefferson, Lucas, Monroe, Van Buren and Wapello. Four judges.

Third—Adams, Clarke, Decatur, Ringgold, Taylor, Union and Wayne. Two judges.

Fourth—Cherokee, Harrison, Lyon, Monona, O'Brien, Osceola, Plymouth, Sioux and Woodbury. Four judges.

Fifth—Adair, Dallas, Guthrie, Madison, Marion and Warren. Three judges.

Sixth—Jasper, Keokuk, Mahaska, Poweshiek and Washington. Three judges.

Seventh—Clinton, Jackson, Muscatine and Scott. Five judges.

Eighth—Johnson and Iowa. One judge.

Ninth—Polk. Five judges.

Tenth—Black Hawk, Delaware, Buchanan and Grundy. Two judges.

Eleventh—Boone, Franklin, Hamilton, Hardin, Story, Webster and Wright. Three judges.

Twelfth—Butler, Bremer, Cerro Gordo, Floyd, Hancock, Mitchell, Winnebago and Worth. Three judges.

Thirteenth—Allamakee, Clayton, Chickasaw, Fayette, Howard and Winneshiek. Two judges.

Fourteenth—Buena Vista, Clay, Dickinson, Emmet, Humboldt, Kossuth, Palo Alto, and Pocahontas. Two judges.

Fifteenth—Audubon, Cass, Fremont, Mills, Montgomery, Page, Pottawattamie and Shelby. Four judges.

Sixteenth—Calhoun, Carroll, Crawford, Greene, Ida and Sac. Two judges.

Seventeenth—Benton, Marshall and Tama. Two judges.

Eighteenth—Cedar, Jones and Linn. Three judges.

Nineteenth—Dubuque. Two judges.

Twentieth—Des Moines, Henry and Louisa. Two judges.

CHAPTER VIII.

THE STATE GOVERNMENT—LEGISLATIVE DEPARTMENT.

1. The school board, to some extent, makes laws for the school district, the trustees for the township, the council for the city or town, and the board of supervisors for the county. In the state, the legislative, judicial and executive departments are more strictly separated than in the county or city or town.

2. The legislative power of the state is vested in the legislature, which is composed of two branches, the senate and the house of representatives. This body makes all the laws of the state, but does not often exercise any judicial or executive powers.

3. The **House of Representatives** is composed of one hundred eight members, and for the purpose of electing them the state is divided into ninety-nine districts. Two counties wholly separate can not form one district; neither can a county be divided. Some counties are so populous that they are entitled to more than one representative, as a representative district. There are eight districts that choose two representatives each.

4. As the populations of some counties increase more rapidly than others the legislature frequently finds it necessary to change the districts in order to give just representation to every part of the state. These readjustments are made at the regular session of the general assembly.

5. Members of the house are chosen at the regular biennial election for two years. Their term of office begins on the second Monday of January next after

their election and continues two years and until their successors are elected and qualified.

6. A representative must be a man over twenty-one years of age, must have lived in the state one year just preceding his election and have been a resident of the district from which he was chosen at least sixty days.

7. The **Senate** is composed of fifty members and for the purpose of electing them the state is divided into fifty divisions, called senatorial districts. Senators hold office for four years, half being elected at each election of representatives. They must have the same qualifications as to citizenship and residence as the representatives, and must be at least twenty-five years old.

8. These two bodies are called "The **General Assembly**," and every law it passes, begins with these words: "Be it enacted by the General Assembly of the State of Iowa." Its session begins on the second Monday of January of odd-numbered years and the governor may call an extra session whenever the welfare of the state demands it.

9. We have learned that the clerk of each township or voting precinct sends the returns of the election to the county auditor. On the first Monday after the election the board of supervisors meets at the county seat to canvass the votes of the county. They decide who are elected, and the county auditor makes out certificates of election for each person elected. If the county is a representative or senatorial district they give their representative or senator a certificate of election, but if there are other counties in the district the auditor makes out an abstract of the votes cast for such officers and sends it to the secretary of state, and the state board of canvassers (the governor, secretary, auditor and treasurer of state) make out the certificates of election, as they do for state officers.

10. At the hour of ten on the morning of the day appointed, the senators and representatives meet in

their respective chambers in the capitol. The lieutenant governor, acting as president of the senate, calls the body to order and they **Proceed to Organize**. If the lieutenant governor is not present, some person claiming to be a member, acts in his stead. A secretary is chosen and the senators file their certificates of election with him. A committee of five is then appointed that examines the certificates and reports on the credentials. Those reported as members then effect a permanent organization by electing permanent officers.*

11. The house of representatives is called to order by some one who claims to be a member and they proceed in the same manner as the senate. They effect a permanent organization by electing a speaker, a clerk and other officers corresponding to those of the senate.

12. **Laws** passed at a regular session take effect on the Fourth of July following, unless otherwise provided. When the laws are passed at a special session they take effect ninety days after the adjournment; but if they are deemed of sufficient importance they take effect upon publication in at least two newspapers, one of which must be at Des Moines.

*Secretary, with first and second assistant; enrolling clerk, engrossing clerk, bill clerk, file clerk, lieutenant governor's clerk, sergeant-at-arms, with one assistant; doorkeeper, with first and second assistants; janitor, postmaster, with one assistant; paper folder, with one assistant; lieutenant governor's page.

The officers of the house of representatives are practically the same.

The secretary of the senate and clerk of the house receive six dollars per day, and their assistants five dollars. To the enrolling clerks and engrossing clerks five dollars; to lieutenant governor's clerk and sergeant-at-arms four dollars; to postmaster and assistant, mail carrier, bill clerk, file clerk, doorkeepers, janitors and clerks of committees, three dollars per day each, and the necessary stationery for clerks and secretaries aforesaid.

To the lieutenant governor's page and speaker's page, two dollars per day, and to the messengers one dollar and fifty cents

13. There are three ways in which a bill may become a law.

First—If it is passed by a majority of both houses and the governor signs it.

Second—If both houses pass a bill by a majority, and the governor returns the bill to the house in which it originated with his objections, and then both houses reconsider the bill and pass it by a two-thirds majority, it becomes a law without the governor's signature.

Third—If a bill passes both houses and the governor fails to sign it or return it to the house in which it originated in three days (Sundays excepted) if the legislature is in session, it becomes a law the same as if he had signed it.

14. When the governor returns a bill without his signature with a message, he is said to **veto** the bill. All bills that are passed over the governor's veto have the following endorsed thereon or attached thereto, with the signature of the presiding officer of each house:

"This bill having been returned by the Governor with his objections to the house in which it originated, and after reconsideration having again passed both houses by yeas and nays by a two-thirds majority of the members of each house, has become a law, this.....day of....."

.....
Speaker of House of Representatives

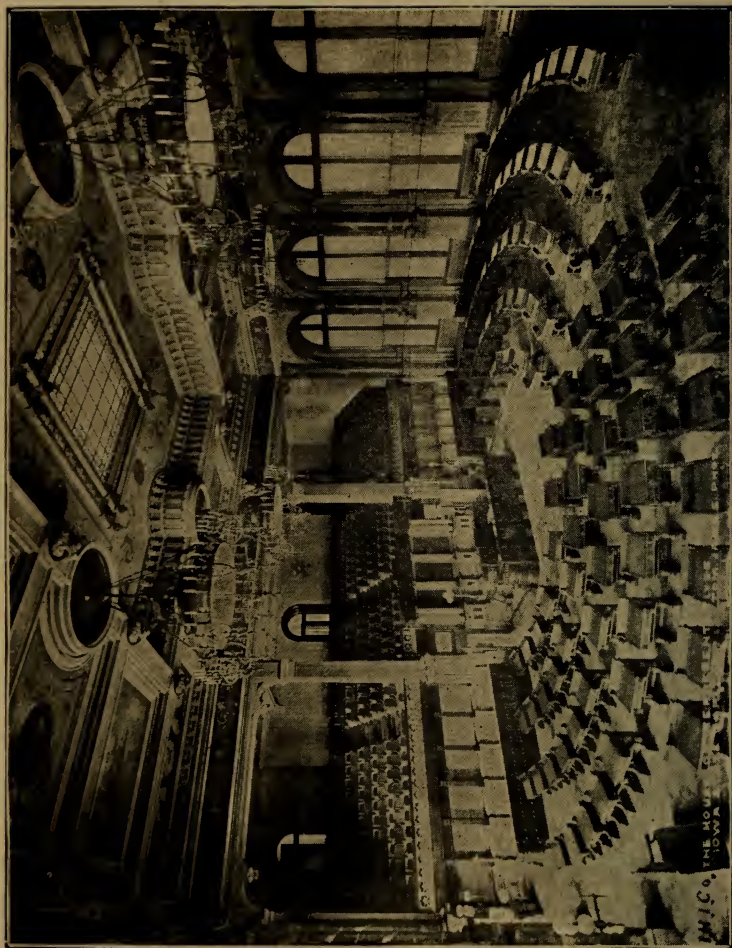
.....
President of Senate.

Bills not signed nor returned by the governor as provided for are authenticated by the secretary of state endorsing thereon the following:

"This bill having remained with the Governor three days (Sundays excepted), the General Assembly being in session, has become a law this.....day of....."

.....
Secretary of State.

15. When a bill is passed by the general assembly less than three days before the end of the session



THE IOWA HOUSE OF REPRESENTATIVES

(Sundays excepted) and the governor neglects it, the bill is lost just as if he had vetoed the bill. This is termed a pocket veto.

16. Each house makes the rules for its own proceedings, punishes members for disorderly conduct and may with the consent of two-thirds expel a member. If the election of a member is contested (which may be done by any voter of the district which the member represents), the papers prepared according to law, relating to the contesting of the election, must be sent to the secretary of state, and he presents them unopened to the presiding officer of the house to which the interested member belongs, before the second day of the session. The presiding officer immediately gives notice to the house that such papers are in his possession. Each house judges of the election of its own members.

17. Each house keeps a record of its proceedings called a journal. The proceeding of the legislature of this state, or of any other state in the union, or of the United States, or any foreign government are proved by the journals of those bodies.

18. No person holding any lucrative office under our nation or state or any foreign power shall be eligible to membership in the general assembly. But offices in the militia, where there is no annual salary, or office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public shall not be deemed lucrative offices.

19. A senator or representative cannot be appointed during his term of office to an office of profit under the state, which shall have been created, or the emoluments of which shall have been increased during his term of office, except such office as may be filled by election by the people.

20. When vacancies occur in either house, the governor issues writs of election to fill such vacancies. The sheriffs of the counties where the election is to be

held gives notice of the election by publication in the papers, or by notices posted in at least five public places in the county.

21. Before entering upon their duties members of the general assembly take the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Iowa, and that I will faithfully perform the duties of senator (or representative) to the best of my ability."

22. A majority of either house constitutes a quorum, that is a sufficient number to transact business. A smaller number, however, may adjourn from day to day, and compel the attendance of absent members in such a way and by such penalties as each house may adopt.

23. When the two houses meet in **joint convention** for the election of officers provided by law, the president of the senate, or, in his absence, the speaker of the house of representatives shall preside, or, in the absence of both, a temporary president shall be appointed by a joint vote. Two tellers previously appointed, one by either house, shall act as judges of the election. The joint meeting is held in the hall of the house of representatives, and the clerk of the house acts as secretary, and he and the secretary of the senate shall keep an accurate account of the proceedings, which must be entered on the journals of each house.

24. When any officer is to be thus elected the secretaries arrange the names of the members in alphabetical order, and each member shall vote in the order in which his name stands when thus arranged. The names of the persons voted for and the names of the members voting shall be written by the tellers, after the secretaries have called the names of each, and the name of the one for whom he voted the second time. They shall report to the president of the convention the number of votes given to each candidate. If no

person receives a majority of the votes of the members present, a second poll may be taken, and so on from time to time, until some person receives such majority. If the people fail to elect a governor or lieutenant governor, it is done by this joint convention.

25. The presiding officer of each house usually appoints all the standing committees of his own body. The committees of the two houses are almost the same. The duty of each committee is suggested by its name. All business is generally referred to a committee, for example: If a bill is introduced relating to railways, it is referred to the committee on railways, which considers the bill and if the members of the committee consider it expedient they report it favorably to the house. The greater part of the real work is done in the committee rooms; there arguments for and against measures under consideration may be heard.

26. At the order of business the member who wishes to introduce a bill rises and addresses the speaker, stating that he desires to introduce a bill. A messenger takes it to the clerk, or secretary if it is in the senate, who reads it the first and second times by its title only. It is then recorded by its name and given a file number. At this time it is referred to a committee, which reports on the bill after due deliberation.

27. This report recommends either that it be passed or that it be indefinitely postponed. It is put on the calender and provisions are made for printing the bill, so that each member may have a copy when the bill is considered. It may be referred to another committee or amended and discussed. After passing to its third reading it is no longer subject to amendment. A majority of the whole number of members must vote for the bill if it is passed. After passing it is sent by messenger to the other house, where it is taken up in practically the same way. If the other house proposes amendments, the house in which it originated must concur in them if it becomes a law. After passing both

houses it is signed by the speaker of the house and president of the senate and sent to the governor.

28. No money can be drawn from the treasury of the state except as **appropriated by the General Assembly** in accordance with law. A statement of receipts and expenditures of the state is published in the "Acts and Resolutions of the General Assembly."

29. The constitution of our state makes it unlawful for the general assembly to pass local or special laws in the following cases:

For the assessment and collection of taxes for state, county or road purposes.

For laying out, opening, and working highways.

For changing the names of persons.

For the incorporation of cities and towns.

For vacating roads, town plats, streets, alleys or public squares.

For locating or changing county-seats.

In such cases as the above it is best for such business to be entirely in the hands of the local authorities, the people of the township, county, or city, or town, as is provided by general law.

30. In all other cases where general laws can be made applicable all laws shall be general, and of uniform operation throughout the state.

31. The general assembly cannot pass a law changing the boundaries of counties until after there has been a majority vote of the people of the counties affected in favor of such changes.

32. No lottery can be allowed in this state, nor can any lottery tickets be sold.

33. Neither house, alone, can adjourn for more than three days nor to any other place than that in which they may be sitting.

34. The election of the **United States Senators** is the same in all the states. The provisions were established by the national legislature as follows:

35. The two houses on the second Tuesday after the organization, each in separate session, cast a vote

for a United States senator. On the next day they meet in joint convention and canvass the votes. If anyone has received a majority of all the votes cast in each house on the day before, he is declared elected. If no one received such majority, the two houses in joint assembly then take at least one vote each day until a senator is chosen or the session is at end. The governor must send the certificate of election of senator to the president of the United States senate.

36. No one is allowed to question a member for any speech or debate in any other place than in the house where made, without consent of the member. If anyone should by threat, violence or arrest attempt to control the action of any member or violate the above provision willfully, it is the duty of the member threatened to report such person to the house to which he belongs, and the house may order the offender fined or imprisoned.

37. Bribery of any member of the legislature or any executive officer is punishable by imprisonment for not more than five years or a fine of not more than one thousand dollars. The officer who accepts a bribe is punishable by imprisonment of not more than ten years or a fine of not more than two thousand dollars. Anyone who offers or accepts a bribe in such instances is forever disqualified from holding office in the state.

38. If any state officer is charged with crime or grave misdemeanor in office, it is the duty of the house of representatives to act as a grand jury, and indict such officer. A majority of the house must concur in the indictment, which is called an **impeachment**. The senate acts as a court before which all causes of impeachment are tried. Two-thirds of the senate must concur in order to convict. If the governor is tried one of the judges of the supreme court presides.

If any state officer is impeached and convicted, he is simply removed from office and disqualified from holding any office of profit or trust in the state. Then,

if the officer committed any crime he would be liable to meet the penalty of the law, in addition to the dishonor of conviction on impeachment.

39. In voting by yeas and nays the names of the members are called and they respond yea or nay as they vote for or against the bill.

40. Members of the legislature receive one thousand dollars per session and mileage at the rate of five cents per mile both in going to and returning from the session. At extra sessions they receive not more than six dollars per day and mileage.

41. Within thirty days after the meeting of the general assembly the presiding officer of each house makes out a list of the members belonging to his house and the mileage due each member, and presents it to the auditor of state, who draws warrants on the state treasury for the salary and mileage due each member. The members may draw half their salary at the end of thirty days, and the remainder at the close of the session.

QUESTIONS.

1. In what is the legislative power of the state vested?

2. How many members in each house? How many representative districts? How many senatorial districts? In which do you live?

3. How often may the districts be re-adjusted? Why is that necessary?

4. With what words do laws passed begin?

5. How often and when does the legislature meet?

6. When and how often are the members of each house chosen?

7. What are the qualifications of members of the house of representatives? Of the senate?

8. From whom do the members obtain certificates of election?

9. Describe the organization of the senate. Of the house of representatives.

10. When do laws take effect? How may laws specially urgent be made to take effect quickly?

11. Who may contest the election of a member? Who decides such contested cases?

12. What oath do members take?

13. What power has either house to protect its members from insult?

14. Describe an election in joint convention.

15. If there is a tie vote for governor, how is it decided? If the people do not elect a governor who does?

16. Describe the election of a United States senator.

17. Who are not eligible to the legislature?

18. When a vacancy occurs in either house how is it filled?

19. What is the compensation of members of the general assembly? Explain how they draw their salary.

20. What is a quorum?

21. Why are committees appointed?

22. Describe three ways in which a bill may become a law.

23. Why does the general assembly have no right to pass a law changing a person's name and other special laws?

24. How may boundaries of counties be changed?

25. How may money be drawn from the state treasury?

26. Describe how an officer may be impeached.

27. How is bribery punished?

28. Can you give some reason why, in voting in joint convention, the roll is called twice?

29. What is a pocket veto?

30. Why doesn't the governor fill vacancies in the general assembly by appointment?

STANDING COMMITTEES OF THE SENATE.

1. Ways and Means. 2. Judiciary. 3. Federal Relations. 4. Constitutional Amendments. 5. Suppression of Intemperance. 6. Appropriations. 7. Normal Schools. 8. Agriculture. 9. County and Township Organization. 10. Compensation of Public Officers. 11. Banks. 12. Railways. 13. Insurance. 14. Private Corporations. 15. Municipal Corporations. 16. State University. 17. Military. 18. Elections. 19. Claims. 20. Commerce. 21. Public Buildings. 22. Manufacturers. 23. Printing. 24. Public Lands. 25. Internal Improvements. 26. Highways. 27. Library. 28. Judicial Districts. 29. Congressional Districts. 30. Senatorial Districts. 31. Representative Districts. 32. Hospitals for Insane. 33. Institutions for Deaf and Dumb. 34. Colleges for Blind. 35. Orphans' Home. 36. Penitentiary. 37. Reform Schools. 38. Agricultural College. 39. Horticulture and Forestry. 40. Fish and Game. 41. Asylum for Feeble-Minded Children. 42. Medicine, Surgery and Hygiene. 43. Rules. 44. Mines and Mining. 45. Engrossed Bills. 46. Enrolled Bills. 47. Retrenchment. 58. Telegraph and Telephone. 59. Printing.

REPRESENTATIVE DISTRICTS.

1, Lee.* 2, Van Buren. 3, Davis. 4, Appanoosa. 5, Wayne. 6, Decatur. 7, Ringgold. 8, Taylor. 9, Page. 10, Fremont. 11, Mills. 12, Montgomery. 13, Adams. 14, Union. 15, Clarke. 16, Lucas. 17, Monroe. 18, Wapello. 19, Jefferson. 20, Henry. 21, Des Moines.* 22, Louisa. 23, Washington. 24, Keokuk. 25, Mahaska. 26, Marion. 27, Warren. 28, Madison. 29, Adair. 30, Cass. 31, Pottawattamie.* 32, Harirson. 33, Shelby. 34, Audubon. 35, Guthrie. 36, Dallas. 37, Polk.* 38, Jasper. 39, Poweshiek. 40, Iowa. 41, Johnson. 42, Muscatine. 43, Scott.* 44, Cedar. 45, Clinton.* 46, Jackson. 47, Jones. 48, Linn.* 49, Benton. 50, Tama. 51, Marshall. 52,

Story. 53, Boone. 54, Greene. 55, Carroll. 56, Crawford. 57, Monono. 58, Woodbury.* 59, Ida. 60, Sac. 61, Calhoun. 62, Webster. 63, Hamilton 64, Hardin. 65, Grunly. 66, Black Hawk. 67, Buchanan. 68, Delaware. 69, Dubuque.* 70, Clayton. 71, Fayette. 72, Bremer. 73, Butler. 74, Franklin. 75, Wright. 76, Humboldt. 77, Pocahontas. 78, Buena Vista. 79, Cherokee. 80, Plymouth. 81, Sioux 82, O'Brien. 83, Clay. 84, Palo Alto. 85, Kossuth. 86, Hancock. 87, Cerro Gordo. 88, Floyd. 89, Chickasaw. 90, Allamakee. 91, Winneshiek. 92, Howard. 93, Mitchell. 94, Worth. 95, Winnebago. 96, Emmet. 97, Dickson. 98, Osceola. 99, Lyon.

SENATORIAL DISTRICTS.

1, Lee. 2, Jefferson and Van Buren. 3, Appanoose and Davis. 4, Lucas and Wayne. 5, Decatur, Ringgold and Union. 6, Adams and Taylor. 7, Fremont and Page. 8, Mills and Montgomery. 9, Des Moines. 10, Henry and Washington. 11, Clarke and Warren. 12, Keokuk and Poweshiek. 13, Wapello. 14, Mahaska. 15, Marion and Monroe. 16, Adair and Madison. 17, Audubon, Dallas and Guthrie. 18, Cass and Shelby. 19, Pottawattamie. 20, Louisa and Muscatine. 21, Scott. 22, Clinton. 23, Jackson. 24, Cedar and Jones. 25, Iowa and Johnson. 26, Linn. 27, Calhoun and Webster. 28, Marshall. 29, Jasper. 30, Polk. 31, Boone and Story. 32, Woodbury. 33, Buchanan and Delaware. 34, Crawford, Harrison and Monona. 35, Dubuque. 36, Clayton. 37, Hamilton, Hardin and Wright. 38, Black Hawk and Grundy. 39, Butler and Bremer. 40, Allamakee and Fayette. 41, Mitchell, Winnebago and Worth. 42, Howard and Winneshiek. 43, Cerro Gordo, Hancock and Franklin. 44, Chickasaw and Floyd. 45, Benton and Tama. 46, Cherokee, Ida and Plymouth. 47, Clay, Dickinson, Emmet, Kossuth and Palo Alto. 48, Carroll, Greene and Sac. 49, Lyon, Sioux, O'Brien and Osceola. 50, Buena Vista, Humboldt and Pocahontas.

*Two Representatives in each county so marked.

CHAPTER IX.

EXECUTIVE DEPARTMENT AND STATE OFFICERS.

1. We have studied about the law making power of the state. In this chapter we will learn about the law enforcing officers or those officers who attend to the general business of the state.

2. The principal one of these is the **Governor**, who is the overseer of the state. The legislature, we have learned, cannot pass a law against his will, without a two-thirds majority. It is the duty of the general assembly to decide who is elected governor and lieutenant governor, and if the people fail to elect them, that body does. If the election of governor is contested, each house chooses by lot seven members, who investigate the matter and report to each house and have it entered on the journals.

3. At the regular session of the legislature, the governor issues his message, which is read before each house. In this message he makes known to them the condition of the state and recommends such changes and measures as he thinks best. If occasion requires, the governor may convene the general assembly, and in times of public danger, at some other place than the capitol of the state. If the two houses fail to agree upon a time for adjournment the governor adjourns them. If the governor resigns, the resignation is made to the general assembly if that body is in session, otherwise to the secretary of state.

4. As the governor must have information from every part of the state, every two years the state officers and boards of state institutions report to him

regarding their official business; and he may call upon any county officer for any information or statistics that he may wish in regard to official business.

5. He approves the bonds of state officers and may require them to give new bonds when he deems it necessary. He calls special elections to fill vacancies in the office of member of congress or of the general assembly.

6. He issues proclamations of general elections, in which must be included all proposed amendments to the constitution of the state.

7. It is his duty to appoint the following officers: State fish and game warden; state veterinary surgeon; state dairy commissioner; inspectors of passenger boats; board of dental examiners; notaries public; superintendent of weights and measures; state mine inspectors; commissioners of pharmacy; members of the state board of health; commissioners to other states; commission to examine books of state officers (and he can suspend such state officers as are found guilty of defalcation); one-half the members of the state historical society; with the advice of the state agricultural society, director of the weather service; with the advice and consent of the senate, custodian of public buildings and board of control. After the board of health determines the number of oil inspectors needed the governor appoints them.

His office is at Des Moines, and his secretary must be there during his absence. A journal is kept in the office, in which are entered all official acts done by the governor.

8. If a serious crime has been committed and the governor thinks it advisable he may offer a reward of not more than five hundred dollars for the capture of the criminal. When any lawsuit occurs in which the state is a party, or in which the rights of the state may be affected, he may employ lawyers to protect such rights of the state. Such expenses as the above are paid out of the governor's contingent fund.

9. As it is his duty to protect the welfare of the state, he is the commander-in-chief of the militia, and may call upon that power and direct its movements when he deems it necessary. Thus if the sheriff of any county requires the aid of the militia to enforce the laws or keep the peace, the governor may send to his assistance a sufficient force to enable him to perform his duty.

10. He may cause private property to be condemned for public purposes. Property so condemned is assessed and the owner receives as compensation the estimate value of the property.

11. The governor has power to commute a death sentence to life-imprisonment or to grant pardons and reprieves in all cases except treason and impeachment. However, he cannot pardon a person convicted of murder in the first degree without the concurrence of the board of parole. On conviction of treason he has power to suspend the execution of the sentence until the next session of the general assembly, when the case will be entirely in the hands of that body.

12. When a criminal escapes from another state to this state it is the duty of the governor to issue a paper of requisition enabling an executive officer from such state to capture the criminal and transport him to the state line. Such papers of requisition make it the duty of sheriffs and constables of this state to assist the officer in capture and transportation of the criminal.

13. The **Auditor of State** corresponds in many respects to county auditor. He draws all warrants on the state treasurer and keeps strict account of all affairs pertaining to the money of the state.

14. He is a member of the executive council and also its secretary when the board is acting as state board of equalization.

15. The laws passed at each session of the legislature are distributed free to each state and county officer, to mayors and township clerks, and a number

are kept for sale by the secretary of state. Each county auditor makes reports of copies received and sold, to the state auditor.

16. Frequently counties, cities and towns find it necessary to issue bonds, which is the same as giving their note, in order to raise money for improvements. If any of these should refuse to levy taxes to meet the interest on the bonds when due, the holders of the bonds can file them with the state auditor and the executive council would then increase the amount of state tax of such county, city or town so that the bonds may be paid out of the state treasury.

17. The auditor is clerk of the court before which contested state elections are tried, when the secretary of state is an interested party or is absent or is otherwise unable to act as clerk. He publishes the revenue laws of the state in pamphlet form for the benefit of the township assessors.

18. It is his duty to investigate and know of the financial condition of all insurance companies doing business in the state. This is a very necessary precaution as it protects the people from frauds and produces confidence in the companies doing business.

19. The auditor also examines into the condition of savings banks and of building and loan associations in the state and reports to the general assembly any measures he deems necessary or proper to increase the security of depositors. If any bank incorporated under the laws of the state is not conducting its business lawfully he may, after investigation, close the bank and provide for the settlement of its business.

20. When a person having no heirs dies, his property is sold under direction of the state auditor and the money is appropriated to the school fund. Such property is called an escheat.

21. The **Secretary of State** oversees the printing and binding done for the state and distributes the journals of the general assembly to the members and officers thereof and to the state officers. He keeps a jour-

nal of the executive council; is clerk of court for trial of contested state elections; is register of state land office; preserves records of census of state; distributes public documents and reports.

22. He records the names of county officers. Election returns are sent to him from the counties and he records the result of elections. He records articles of incorporation, as we learned in studying "Incorporation of cities and towns." He publishes the times of holding court in the various counties and also propositions to amend the constitution. When a bill passed by the general assembly is laid before the governor and he neither signs nor vetos it, the secretary of state adds his certificate to it before it becomes a law.

23. The **Treasurer of State** has charge of all money belonging to the state and pays it out only on warrants issued by the auditor. He keeps an accurate record of all warrants paid out and bonds outstanding and paid. With the advice of the executive council he names one or more banks in Des Moines as a depository for the collection of any drafts, checks, etc., that he may receive as payment of claims due the state. The banks named must give approved security for prompt collection.

24. He keeps every fund in separate apartments of his safe and at each quarterly settlement with the state auditor he counts each fund in the presence of the auditor to see if it agrees with the balance found in the books.

25. The **Attorney General** is the lawyer for the state. He must give his opinion to state officers on all questions submitted to him. When the legislature is in session he must, when called upon, give his opinion of any question submitted by that body. In all lawsuits where the state is an interested party he appears in its behalf. He brings proceedings for closing up any insurance company or bank that the auditor has found to be advisable. This office properly belongs to the judicial department.

26. The Superintendent of Public Instruction has general supervision of county superintendents and all the common schools of the state. From the reports of all the county superintendents he compiles a general report. He arranges for the publication of the school-laws and sends to each county superintendent a sufficient number to supply each school officer with a copy. He may subscribe at the expense of the state for a sufficient number of copies of a school journal to supply each county superintendent with one copy, as we have learned.

27. Anyone aggrieved by the decision of a board of directors may appeal to the county superintendent. If the decision of that officer is not satisfactory, the case may be appealed to the superintendent of public instruction for final decision.

28. He may call meetings of the county superintendents where matters relating to the supervision of the schools may be discussed and arrange as nearly as possible for uniformity in the schools of the state. By virtue of his office he is a member of the boards governing the State University, and Iowa State College, and president of the board of trustees of State Normal School.

29. He is president of the state educational board of examiners. On this board is also the president of the State University, president of the State Normal School and two other persons appointed by the governor, one of whom must be a woman.

For the purpose of increasing the facilities for training teachers for the rural schools by requiring a review of such common branches as may be deemed essential, and for instruction in elementary pedagogy and the art of teaching elementary agriculture and home economics, he may designate certain high schools in the state that have an approved course of study in the eleventh and twelfth grades. Schools thus designated are known as Normal Training High Schools, and receive state aid to the amount of \$500

per annum payable in two equal installments at the close of each semester.

To assist him in the supervision of these schools, he may appoint an Inspector of Normal Training in High Schools who shall receive a salary of \$2,000 per year and necessary expenses while in the discharge of his duty. A certificate of graduation from the normal training course shall be issued by the Superintendent of Public Instruction and is a valid license to teach in any public school in the state for a term of two years.

30. There are three **Railroad Commissioners** who hold office for four years, two being elected at each election. It is their duty to inspect bridges, roads and rolling stock of the railroad companies. They notify the companies to make repairs when they deem it necessary and also see that they obey the laws of the state. Once each year they report to the governor what they have done, make suggestions of measures that they think would be appropriate and give an account of the condition of all the railroads in the state. Each receives twenty-two hundred dollars per year salary and they are allowed a secretary.

31. The term of state officers is two years, they being elected at each general election.

32. The salary of the governor is five thousand dollars per year and the traveling expenses necessarily incurred in performing his duty. The lieutenant governor, as president of the senate, receives the same mileage and twice the amount per day provided for senators.

33. The superintendent of public instruction receives two thousand two hundred dollars and necessary traveling expenses to the amount of three hundred dollars. The attorney general receives four thousand dollars per year and expenses if his duties call him from Des Moines, and nine hundred dollars is allowed for clerk hire.

34. The treasurer, auditor and secretary of state each receive twenty-two hundred dollars per year.

They also receive eight hundred dollars per year each, as members of the executive council. The auditor has six assistants, the secretary of state five, and the treasurer two. A night watchman is also provided for the treasury department.

35. The governor may appoint one or more commissioners in any state in the union. Each one appointed is provided with a seal on which is engraved "Commissioner for Iowa" with his own name and the name of the state in which he has been commissioned. He may administer oaths, take depositions and affidavits, acknowledgements or proofs of deeds and other instruments to be recorded or used in the courts of this state.

AMENDMENTS TO THE CONSTITUTION OF THIS STATE.

36. All amendments must be submitted to a vote of the people in the following manner:

An amendment may originate in either house of the general assembly and if a majority of both houses agree to it, it is referred to the legislature next to be chosen. Before the election, notice of the proposed amendment is included in the proclamation of election. If the legislature then elected agrees to the amendment by a majority of both houses then the amendment is submitted to a vote of the people in such way and at such times as the general assembly may provide, at the next general election if no other time is specified. If a majority of the votes cast favor the measure the amendment becomes a part of the constitution.

QUESTIONS.

1. Who canvass the votes for governor and lieutenant governor? If the people fail to elect how are these officers elected? If their election is contested how is it decided?

2. What is the governor's message and what does it contain?

3. How are the extra sessions of the legislature called?

4. How does the governor obtain information on matters pertaining to the general condition of the state?

5. What special elections does the governor call? What officers does he appoint?

6. Explain how an amendment to the constitution is passed.

7. Name some measures he may take to provide for the general safety.

8. Explain "condemning property."

9. What power of pardoning criminals has the governor? What power in case of treason?

10. What are his duties in reference to the militia?

11. What are papers of requisition?

12. Give a partial list of the state auditor's duties.

13. What is an escheat?

14. Give a list of the treasurer's duties.

15. How are duties of auditor and treasurer interdependent?

16. What are the duties of the attorney general?

17. Give a list of the duties of the secretary of state.

18. Give the important duties of superintendent of public instruction. In what duty does he act the part of a judicial officer?

19. When are the state officers elected? Give salary of each.

20. Who is the state's financier?

21. Who distributes the session laws? Who is entitled to a copy of the laws?

22. If a county refuses to pay its bonds, how can the owner of the bonds secure payment?

23. What precautions are taken in regard to insurance companies and banks?

24. To whom do county auditors send election returns?

CHAPTER X.

OFFICERS APPOINTED.

1. The **Custodian of Public Buildings and Property** is appointed by the governor with the advice and consent of the senate. It is his duty to take charge of and protect the capitol building and all furniture and other property connected therewith; to control and take care of the capitol grounds, walks, fences, trees, shrubbery, statuary and other property of the state; to appoint the necessary employes; to make a sworn statement at the end of each month of expenses incurred and to make a report to the governor on or before the last day of September preceding each regular session of the General Assembly.

2. **Inspectors of Passenger Boats**, when requested by the owners of boats suitable for carrying five or more passengers, must inspect the boat and give the owner a certificate, if the boat is safe, stating the number of passengers the boat may carry. A copy of the certificate must be posted on or in said boat. Persons wishing to become pilots or engineers on boats carrying passengers, apply to an inspector for a license, which is granted if the applicant be a person of sober habits and is competent in every way. Inspectors receive one dollar for inspecting sailboats, ten dollars for inspecting steamboats capable of carrying twenty or more persons, and five dollars for inspecting small steamboats. For each application for license as pilot or engineer he receives three dollars.

3. There are three **Mine Inspectors** who hold office for two years. They shall be men who have a practical knowledge of mining in all particulars. The governor divides the state into districts and assigns the inspectors duty in such districts as he deems proper. They devote all their time to the duties of their office. It is

lawful for them to enter and inspect any mine in the state at any time. They make a record of all examinations showing to what extent the laws are violated or obeyed and of the improvement in the safety and sanitary condition of the mines. Their reports contain the number of accidents, injuries or deaths; the number of mines visited; the number of employes and other information that would be of public interest. The owners and agents of coal mines are required to assist in the inspection and report any loss of life by accident that occurs about the mine.

(The state laws require proper ventilation, escape shafts and other regulations that have greatly lessened the dangers of mining.)

4. In order to protect the people of the state from danger from the use of oils for illuminating purposes there are laws that make it a misdemeanor to sell oil of inferior grades. The governor with the advice of the board of health appoints **Inspectors of Oils**, not more than fourteen in number, whose duty it is to examine all oils manufactured from petroleum and if found to be of an approved grade, they place their stamp thereon with the word "approved." If an inferior grade, they mark it "rejected."

5. The inspectors charge ten cents per barrel for inspecting. Fifty-five gallons constitute one barrel. The owner of the oils pays the fees. Each inspector keeps all fees collected to the extent of fifty dollars per month and one-fourth of the amount collected in excess of this to one hundred dollars per month. He is also allowed expenses,

6. The **State Veterinary Surgeon** is appointed by the governor. He has general supervision of all contagious and infectious disease of domestic animals that are in the state or that may be in transit through the state. He may quarantine stock thus diseased and if he thinks it necessary to prevent the spread of the disease, he may order the stock destroyed. There is

now a state board of veterinary medical examiners. They examine applicants and grant certificates to those qualified as veterinarians.

7. The **State Fish and Game Warden** has charge and supervision of the state hatching house, located at Spirit Lake. It is his duty to promote the restoration of fish in the waters in the state so far as possible with the means at his disposal and to enforce the laws for the protection of game

8. There are laws that provide against the sale and shipment of imitation dairy products except when stamped as such. It is not lawful for any hotel keeper to place any imitation dairy product before a patron unless it is accompanied by a placard containing the name of the article. There are strict laws relating to the conduct of creameries and sale of dairy products in our state. To provide for the enforcement of these laws the governor appoints the **Commissioner of Dairy Products**. He is allowed a deputy and one assistant.

9. The **Board of Dental Examiners** consists of five practicing dentists. All persons wishing to practice dental surgery must have a diploma from some dental college duly recognized by the board or a license from the board of dental examiners. The board has regular meetings for the examination of those wishing to receive license to practice dental surgery. Their compensation is five dollars per day each and is paid out of fees collected from those examined.

10. The governor may appoint one or more **Notaries Public** in each county. Each notary must have a seal on which is engraved "Notarial Seal," "Iowa" and his name. A notary has power to take depositions, affidavits, and acknowledgements of deeds, mortgages, wills, etc. Their compensation arises from fees. Each is required to give a bond of five hundred dollars.

11. The **State Librarian** has charge of the state library and gives it personal attention during the hours it must be kept open. He labels the books and makes

out an alphabetical catalogue of the library. The trustees of the library are the governor, secretary of state, superintendent of public instruction and judges of the supreme court. They provide rules and regulations for the control of the library.

12. The state library consists of over 70,000 volumes. It comprise a large collection of law books and books on miscellaneous topics. Only senators, representatives, state officers, federal judges and judges of the state supreme court, can take books from the library. Five thousand dollars are appropriated annually for the purchase of books. Provisions are made whereby other libraries may be associated with this one and borrow books.

13. The **Superintendent of Weights and Measures** is appointed by the governor from the board of professors of the Iowa State University. He shall keep a complete set of the copies of the original standards of weights and measures, and such fixtures and apparatus as are necessary in the comparison and adjustment of city and county standards. He must furnish the several counties with such standards, balances and other means of adjustment as may be ordered by them at least once in ten years, comparing the same with those in his possession.

14. It is unlawful for any proprietor of a store to allow any person who is not a registered pharmacist to compound the prescriptions of physicians or to retail poisons for medical use, except as an aid to and under the supervision of a registered pharmacist. For the proper registering of persons competent to compound and dispense drugs, the governor, with the advice of the executive council, appoints three persons from among the most competent pharmacists of the state. This board constitutes the **Commissioners of Pharmacy**. They register whoever holds a diploma from an authorized college of pharmacy or passes a

satisfactory examination before them. Each person furnished a certificate by them is charged a fee of five dollars.

15. The **State Board of Health** consist of seven physicians and a civil engineer, appointed by the governor with the consent of the executive council, and the attorney general and the state veterinary surgeon are members. They constitute the board of medical examiners. Every physician in the state must hold a certificate granted by them. They have charge of all matters pertaining to quarantine, supervise a state registration of marriages, births and deaths and make such regulations and sanitary investigations as they think advisable for the preservation and improvement of the public health. The necessary expenses made in performing their duties are paid, but they receive no compensation.

16. The **Director of the Iowa Weather and Crop Service** is appointed by the governor with advice of the agricultural society.

17. He establishes volunteer stations throughout the state to the number of one or more in each county, and appoints observers thereat. He supervises these stations and receives reports from them concerning the weather and crop conditions. He edits a monthly paper, in which are found matters of interest and educational value concerning the crops and weather. Anyone may become a subscriber to this paper by paying the small subscription price to cover the cost of publishing.

This officer has an assistant appointed by the chief signal officer at Washington, D. C.

Two thousand seven hundred dollars per year are appropriated to defray the expenses of the office at present.

18. There is a **State Historical Society** of eighteen members located at Iowa City, whose duty is to collect everything of interest pertaining to the history of our

state, and this section of the country. Nine members are appointed by the governor and nine are elected by the members.

19. The **Curator of Historical Collections** is appointed by the trustees of the state library, and holds office for six years. It is his duty to collect and arrange books, maps, charts and public documents, manuscripts and other papers and materials illustrative of the history of Iowa and the west generally; to procure from early pioneer settlers narratives of their perils, exploits and adventures; to secure facts and statements relative to the history, progress and decay of the Indian tribes, so as to exhibit faithfully and as far as practicable, the antiquities of the past; to secure books relating to the history and natural history of the state and of the central region of which Iowa is a part; to subscribe for and preserve files of at least two papers in each county of the state containing the official publications and cause the same to be bound; to catalogue thoroughly all such collections for convenient references, and every two years make a report of all his collections. He also collects memorials and mementoes of pioneers and soldiers of Iowa. He arranges in cases, objects relating to the prehistoric races of this section of the country. The rooms are kept open for the inspection of visitors at reasonable times. He is allowed such assistance, postage, stationary and incidental expenses as the trustees may authorize and approve.

20. The governor with the advice of the executive council appoints a **Commissioner of Labor Statistics**, whose duty is to look after the welfare of labor in the state, and make a report containing statistical details of all the departments of labor. He corresponds with interested parties in other parts of the United States and imparts such information as may tend to induce them to locate mechanical and producing plants within the state. He looks after the sanitary condition of institutions where labor is employed and reports the

progress being made with schools now in operation for instruction of students in mechanical arts. Five thousand copies of his report are printed for distribution. He is allowed an assistant who receives a salary of one thousand dollars per year and traveling expenses to the amount of five hundred dollars.

21. The **State Board of Optometry Examiners** consists of three optometrists appointed by the governor for a term of one year, one physician member of the state board of health and the secretary of the state board of health. The duty of this board is to examine applicants for a license to practice optometry, and to issue a license duly authorizing such as are found to be qualified to practice optometry.

22. The governor appoints an **Inspector of Bees**, whose duty it is to thoroughly examine such apiaries as are reported to be diseased, and all other apiaries in the same locality, and thus ascertain whether such disease exists. If upon examination he is satisfied of such disease, he shall give the owner full instructions as to the manner of treating same. If his instructions are not followed, or do not produce satisfactory results, he may burn, or cause to be burned all infected colonies of bees in any apiary to prevent further spread of the disease. He makes a complete report yearly to the governor.

23. The State College of Agriculture and Mechanic Arts constitutes the **Highway Commission of Iowa**. It is the duty of this commission to obtain data from the counties and townships relating to road conditions; to furnish expert assistance to counties when requested by the proper county officials; to prepare standard plans and specifications for road and bridge work, and to conduct a school each year for the instruction of road workers. The expense of this commission is paid by an appropriation by the Legislature.

QUESTIONS.

1. Give reasons why inspectors of passenger boats are appointed.

2. What are the duties of custodian of public buildings?
3. Why are mine inspectors necessary?
4. Which officers receive their compensation in fees?
5. Give reasons why each of the following are appointed: Veterinary surgeon, dairy commissioner, dental examiners, superintendents of weights and measures, commissioners of pharmacy, board of health, director of weather and crop service, curator of historical collections, oil inspectors.
6. Which receive no compensation?
7. What are the duties of notaries public?
8. Describe the state historical society.
9. What does the commissioner of labor statistics do?
10. How are weights and measures in different parts of the state kept equal?
11. Who are trustees of the state library?
12. Who constitute the board of health?
13. Who constitute the board of Optometry Examiners? Duties.
14. What are the duties of the Inspector of Bees?
15. What are the duties of the Highway Commission of Iowa?

APPENDIX.

Length of terms of appointed officers.	Salary.
Custodian of Public Buildings, 2 years.....	\$1500
Inspectors of Passenger Boats, 2 years	Fees
Mine Inspectors, 2 years.....	\$1800
Inspectors of Oils, 2 years.....	Fees
Commissioner of Dairy Products, 2 years.....	\$2000
State Librarian, 6 years.....	\$2400
Director of Iowa Weather and Crop service, 2 years	\$1500
Members of Historical Society, 2 years.....	No salary
Commissioner of Labor Statistics, 2 years.....	\$1800
State Veterinary Surgeon, 3 years.....	\$1800
State Fish and Game Warden, 3 years.....	\$1200

Commissioners of Pharmacy, 3 years\$5 per day
Board of Dental Examiners, 5 years.....\$5 per day
Board of Optometry Examiners, 1 year....\$5 per day
Inspector of Bees, 2 years.....\$3 per day
Members of Board of Health, 7 years ..Expenses paid
Curator of Historical Collections, 2 years.....\$1600

The Superintendent of Weights and Measures
holds office during the pleasure of the governor. \$50.

CHAPTER XI.

MISCELLANEOUS.

1. The **Executive Council** consists of the governor, auditor, secretary of state and treasurer. Any three of whom constitute a quorum for the transaction of business. They perform for the state some of the duties the supervisors do for the county. County supervisors equalize the assessments between the various townships and the executive council attends to the same between the different counties of the state.

2. They canvass the votes for the state elections; issue certificates of elections; have custody of state property; furnish light, fuel, stationery, etc., for state officers; order purchases by custodian of public buildings; award contracts for publication of supreme court reports; levy taxes to pay county bonds when such is neglected by proper authorities; assess the railroads of the state; may authorize sale of school lands for less than the minimum price (school lands are sold by township trustees and county supervisors); authorize payment of expenses when the state purchases land sold for taxes; and hold in trust gifts that may be donated to the educational institutions of the state.

3. They keep a journal of their proceedings and furnish county auditors with printed directions and blank forms for proper taking of the census.

4. The **Department of Agriculture** is managed by a board, styled the State Board of Agriculture, of which the governor, president of the State College of Agriculture and Mechanical Arts, state food and dairy commissioner and state veterinarian are ex-officio members; other members are a president, vice-president, secretary, treasurer and one member from each congressional district of the state. The president and vice-president and members are chosen at

the annual agricultural convention. The president and vice-president are elected for one year, and district members for two years. The secretary and treasurer are elected by the board.

It is the duty of the department to look after and promote the interests of agriculture, agricultural education, animal and other industries of the state; to investigate all subjects relating to the improvement of methods, appliances and machinery, the diversification of crops and other products; to investigate reports of contagious diseases among domestic animals, and the destruction of insects and fungus grasses, grains and other plants; the adulteration of foods, seeds and other products, and to report the results of such investigation, together with recommendations of remedial measures for the prevention of danger resulting therefrom. This is one of the most important departments of our state government.

5. There is an annual meeting of the **Iowa State Horticultural Society**, the object of which is to further the fruit and tree growing interests of the state. At each such meeting they elect officers and directors, award premiums on essays, and discuss questions relating to the development of horticulture.

6. The secretaries of agriculture and horticultural societies make annual reports pertaining to the interests of each society, containing essays, statements, recommendations, and the general condition of the agricultural and horticultural interests of the state.

7. The **Militia** of Iowa consists of all the able-bodied men between the ages of eighteen and forty-five. The active militia consists of four regiments† of volunteers and are designated "The Iowa National Guard." Enlistments are for three years, but the soldier may re-enlist for one, two or three years.

†At discretion of commander-in-chief two batteries of artillery and two troops of cavalry may be added.

In the active militia the officers are as follows: Staff officers of the Commander-in-Chief—Adjutant general, inspector general, quartermaster general, commissary general and surgeon general, and such other officers as he may think proper;

8. The four regiments are organized into two brigades. Each regiment is composed of not less than eight, nor more than twelve, companies, and a company cannot be composed of less than forty nor more than sixty-four privates and non-commissioned officers. The governor is commander-in-chief, and appoints an **Adjutant General** whose duties are to issue and transmit all orders of the commander-in-chief, concerning the military affairs of the state. He has charge of the state arsenal and grounds, issues all ordnance, stores and camp equipage on order of commander-in-chief. On or before the first of December before a session of the legislature, he makes a full and detailed report of the transactions of his office, the expenses of the preceding years and such other matters as the governor may require. He receives a salary of twenty-two hundred dollars per year. Field officers receive when on duty four dollars per day; other commissioned officers two and one-half dollars; non-commissioned officers two dollars; privates one dollar and a half.

9. The assessor of every township makes out a list of men who are between the ages of eighteen and forty-five and returns it to the county auditors, who make out lists for the counties and send them to the adjutant general. Thus in time of war or sudden danger, the governor has a list of the entire militia of the state, and if upon call for volunteers, not a sufficient number enlist, he may draft a certain number from every township.

at present, a judge-advocate general, chief of engineers, assistant inspector general, chief signal officer and military secretary, aids-de-camp.

Brigade Officers—Brigadier general, assistant adjutant general, surgeon, assistant inspector general, judge-advocate, engineer and signal officer, inspector of small arms practice, quartermaster, commissary of subsistence, aids-de-camp, quartermaster sergeant.

Regimental Officers—Colonel, lieutenant colonel, majors, adjutant, battalion adjutant, inspector of small arms practice, quartermaster, commissary, engineer and signal officer, surgeon, assistant surgeon, chaplain.

Officers of Companies—Captain, first lieutenant, second lieutenant, four sergeants and six corporals. Sergeants and corporals are non-commissioned officers.

QUESTIONS.

1. Compare as fully as you can the executive council and county supervisors.
2. Explain the purpose of the agricultural and horticultural societies.
3. What is the Iowa national guard?
4. What are the duties of adjutant general?
5. How many soldiers may be in the Iowa national guard?
6. Explain how the governor may draft militia in time of public danger.
7. Where is the fair held in your county?
8. Who are members of the society in your county?

CHAPTER XII.

STATE JUDICIARY.

1. The **Supreme Court** of the state consists of six judges, elected at the general election and serving for a term of six years. Each receives a salary of six thousand dollars per year.

2. The sessions of the supreme court are held at Des Moines. The sheriff of Polk county or his deputy attends this court, the same as a district court in his county. The attorney general must be present during the sessions to look after the interests of the state. This court has jurisdiction over all cases appealed from any court of record in the state, and its judgment is final except on questions involving the constitution or statutes of the United States.

3. If a party in a suit is aggrieved by a decision in a justice court, he may, by giving bond to comply with such decision should it be sustained, appeal the case to the district court of his county. Either party also in a suit in a district court may, by proper proceedings, appeal the case to the supreme court of the state. The supreme court has no jurisdiction except in cases appealed from the lower courts, as follows: District court or superior court of a city. It holds, at least, three sessions per year. At least four of the judges must agree in order to render a decision. If three vote one way and three oppose them, the decision of the lower court is sustained. This court may set aside the decision of the lower court on account of some error and thus allow the case to be tried again in the lower court.

4. The judge having the shortest time to serve is chief justice. One of these judges administers the

oath of office to governor and lieutenant governor. They have the power to issue subpoenas for witnesses, to take acknowledgements, and to solemnize marriage. They are trustees of the state library.

5. The **Clerk of the Supreme Court** keeps a record of its proceedings, has charge of the written opinions of the court and announces its decisions. He has power to administer oaths and take acknowledgments. He keeps a docket and files all cases in order presented. He is allowed an assistant.

6. The **Reporter of the Supreme Court** makes out the supreme court reports, and delivers them to the one who has the contract for printing the same.

7. These two officers give bonds of not less than ten thousand dollars. The clerk's salary is twenty-two hundred dollars per year and the reporter receives six hundred dollars for each volume of reports which he completes.

8. The judge of any court may solemnize marriages and take acknowledgments of any instruments in writing. They are conservators of the peace, and may, on proper evidence issue a warrant committing a boy or girl to the reform school; but no one can be so committed who is under nine years of age or is of unsound mind. When it is necessary they may surrender a boy or girl to the home of the friendless.

QUESTIONS.

1. How many judges in the Supreme Court?
2. How many terms of court per year?
3. Describe the jurisdiction of this court.
4. What is an appeal? Tell some of the powers of a judge.
5. What are the duties of the clerk?
6. What are the duties of the reporter?
7. What are the salaries of supreme judges? How long do they hold office?
8. Give some powers that any judge has.

CHAPTER XIII.

STATE INSTITUTIONS.

1. Before Iowa was admitted as a state, the congress of the United States set apart over forty-six thousand acres of land to aid in establishing the **State University**, which was provided for in the state constitution, and permanently located at Iowa City by the first general assembly.

2. The object of this institution is to supply the people with the best means of obtaining a thorough education. The regular college department embraces four years study. The best high schools of the state prepare pupils for entering this department, in which are the following courses: Classical, philosophical, scientific and engineering. The other departments are law, pharmaceutical, homeopathic, medical and dental.

The management and control of the State University, the State Agricultural College and the State Teachers' College are vested in a State Board of Education consisting of nine members appointed by the governor and confirmed by the senate.

3. In 1862 the United States Congress gave to all the states for the purpose of founding a **state college of agriculture and mechanic arts**, thirty thousand acres for each representative in congress. Iowa received two hundred and forty thousand acres. Two years later the state made an appropriation for suitable

buildings. These have been increased to fifteen, devoted exclusively to educational purposes. The college domain consists of eight hundred and forty acres.

4. A large part of it is devoted to the investigation of the United States experiment station, to which fifteen thousand dollars are given by the national government each year. The object of this institution is to give a higher education to the industrial classes. It contains seven schools; engineering, agriculture, veterinary science, letters and philosophy for women, science related to the industrial arts, domestic economy and school of mines. It requires four years to complete each of these courses, excepting the veterinary, which takes three years. Additional special and post-graduate courses are provided. Much work is required also in history, literature, language, mathematics, physics, chemistry, biology, physiology, botany, bacteriology and military science. Tuition is free to all residents of the state over sixteen years of age. The interest on the fund, arising from the sale of the land, is not sufficient for the support and the general assembly makes additional appropriations for repairs and support. This college is located at Ames.

5. The **State Teachers' College** at Cedar Falls was established in 1876. The general assembly then required the trustees of the soldiers' orphan home, which had been established there some years before, to put the property in their charge at Cedar Falls into the hands of the trustees of the new institution. The buildings were remodeled and teachers hired in time for the first term to begin on the sixth of September.

It is the object of the **Teachers' College** to prepare young men and women for the profession of teaching. It has already had a marked effect in the progress of education in the state, and under efficient management is steadily increasing in favor. There are a number of courses of study: One embracing three years' work,

leads to the degree "Bachelor of Didactics;" one embracing four years' work, leads to the degree "Master of Didactics."

6. The governor appoints three men, all of whom cannot be of the same political party, and who are residents of the different congressional districts, to constitute the **Board of Control of State Institutions**. This board has control of the soldiers' home, the state hospitals for the insane, the college for the blind, the school for the deaf, the institution for the feeble minded, the soldiers' orphans' home, the hospital for inebriates, the industrial school in both departments, and the state penitentiaries. They also have supervisory charge of the financial affairs of the State Teachers' College, Agricultural College and State University.

7. The board of control must visit each institution at least once in six months and investigate every part of each institution, and all of the grounds and buildings belonging thereto, and some one of its members must visit the hospitals for insane once a month.

8. This body has general control of the institutions, attends to all expenditures, and appoints the superintendents, warden, and other chief executive officers of each institution under its charge. Such officers are appointed for four years. It reports to the governor the condition of the different institutions and any abuses or wrongs alleged to exist in them, and submits the result of its findings to the legislature to take such proceedings as are advisable.

9. The money received in any of these institutions is turned over to the state treasurer on the first of each month.

10. This board also has supervision over all county and private asylums where insane persons are kept.

The term of office of members of the board of control is six years, one going out of office every two

years. The one having the shortest time to serve is chairman. Their salary is \$3,000 per year.

11. The general assembly established the **School for the Deaf** in Iowa City in 1855. It was removed to the present location, Council Bluffs, in 1870. This school affords opportunity for the training of the deaf mute children of the state. The older children are instructed in trades taught in the several workshops connected with the institution. The education and training is such as will best suit the needs of the pupils.

12. The first **College for the Blind** was established at Keokuk in 1852, by Mr. Samuel Bacon. In 1853 the general assembly took charge of the school, and removed it to Iowa City. In 1862 it was removed to Vinton, its present location. All blind persons who are residents of the state and of suitable age are entitled to an education at this school, free of charge. Residents of other states may enter by paying, quarterly, in advance, their estimated expenses.

13. The **Hospital for Inebriates** was established by the thirtieth general assembly, and opened in 1906 at Knoxville in the building formerly used for the adult blind. To this institution are sent for treatment all male dipsomaniacs and inebriates, men addicted to the excessive use of cocaine, morphine or other narcotic drugs. They may be sentenced for a term not to exceed three years, unless sooner paroled.

14. Inebriate women are sent to the insane hospital at Mt. Pleasant.

15. The **Institution for Feeble Minded Children** was opened at Glenwood, Mills County, in 1876. Its object is for the instruction of feeble minded children, not having mental capacity for learning in the public schools. Here under special treatment, these unfortunates are so trained as to be fairly well fitted for life. Children between the ages of five and twenty-one years and all feeble minded women under forty-six years of age who are residents of the state may be admitted to this institution.

16. There is a regular appropriation for this institution of twelve dollars per month for each inmate.

17. The honor of founding the **Soldiers' Orphans' Home** belongs to Mrs. Annie Wittenmeyer. Through her efforts a home was opened in July, 1864, and supported by contributions from the people, until 1866, when the state took charge of it and made arrangements for homes in different counties. One was located at Cedar Falls and one at Glenwood, and a third at Davenport. In 1876 the children were removed to Davenport, the buildings at Cedar Falls being turned over to the trustees of the state normal school, and those at Glenwood to the trustees of the institution for feeble minded children.

18. The home has cared for over four thousand children in the past thirty-two years. They have come from the homes of broken-down old soldiers, from unfortunate but worthy poor families and from the hovels of crime. They are subjected to such discipline and instruction as tends to make them useful and worthy citizens. Any child in the home, with the consent of its parents or guardian, may be adopted by any citizen of the state, subject to approval by the board of trustees.

19. The **Soldiers' Home** is located at Marshalltown. All honorably discharged soldiers, sailors and marines who have served in the United States army or navy and are disabled by wounds, disease or otherwise, and not having sufficient means for their support, are cared for in this home. Soldiers who are admitted must have served in an Iowa regiment or been a resident of the state three years next preceding application for admission.

20. There are **Asylums for the Insane** at Independence, Mount Pleasant, Clarinda and Cherokee.

In each county the clerk of the district court and two others, whom the judge of the district appoints, one of whom must be a lawyer and the other a phy-

sician, constitute the commissioners of insanity. Any person deemed a fit subject for treatment in a hospital for insane is taken before them for examination. (In some cases the presence of the insane person is not necessary, but such one must be examined by a physician, whom they appoint). If the commissioners decide that the person is a fit subject for treatment they issue a certificate to that effect. The expense of keeping the inmates of the asylums is borne either by the counties from which they are sent, by the relatives of the insane or by the insane themselves, if they are owners of property. These institutions at present are caring for nearly three thousand insane people.

21. There is an **Industrial School** for boys at Eldora and for girls at Mitchellville. These institutions are for a reformation of juvenile offenders. Any boy between the ages of nine and sixteen, and any girl between the ages of nine and eighteen, who is found guilty by a court of record of any crime except murder may be ordered by the judge to one of these schools. If a boy or girl is convicted before a justice of the peace the case is referred to a judge of a court of record who may sentence the offender if, in his opinion, he should do so.

22. Incurrable children may be admitted to the industrial school if the parents or guardian makes application to a judge for their admission.

23 The **Penitentiary** of the state is located at Fort Madison. It is maintained for the safe keeping of convicts sentenced to imprisonment for any length of time. The penitentiary is under the superintendency of a warden appointed by the board of control. His term of office is four years and if the office becomes vacant it is filled by appointment by the board. It is the board's duty to oversee the receipts and expenditures of the institution, and the discipline and management of convicts, appoint the necessary officers for governing the same and attending to the by the board in the sum of twenty-five thousand dollars, for the faithful execution of his duties.

24. The officers appointed by him are: Deputy warden, assistant deputy warden, clerk, chaplain and guards.

The clerk keeps a record of the affairs of the penitentiary. He gives a bond of twenty thousand dollars, which is approved by the governor.

The deputy warden also gives a bond of five thousand dollars, approved by the board. He is the assistant of the warden and keeps a record of all the convict labor and other business under his control and reports it to the clerk at the close of each day.

25. Each of the guards gives a bond of one thousand dollars. The chaplain spends as much of his time as the labor and condition of the convicts will allow, in imparting to them moral and religious instruction. He also acts as teacher of the convicts who cannot read or write.

26. The warden makes out a monthly report which he sends to the board, and also a biennial report, which must be completed by the fifteenth of September next preceding the session of the general assembly.

27. The Iowa State Reformatory is located at Anamosa. It is maintained for the safe keeping of convicts who at the time of commitment are between the ages of sixteen and thirty years, and who have never before been convicted of a felony. There are certain crimes for which a person between the ages of sixteen and thirty years may be committed to either the reformatory at Anamosa or the penitentiary at Fort Madison.

28. The reformatory is under the superintendency of a warden appointed by the board of control for a term of four years. It is governed similar to the penitentiary at Fort Madison, the distinction between the two institutions being chiefly in the class of criminals assembled, and the methods used for reformation.

29. The inmates of the reformatory are employed only on state account, which employment is condu-

cive to the teaching of useful trades and callings so far as practicable, and the intellectual and moral development of the inmates. It maintains an educational department in which all inmates may receive instruction in the common branches.

30. The reformatory contains an industrial department for women and girls presided over by a matron appointed by the warden.

31. The **Board of Parole** is appointed by the governor with the advice and consent of the senate. It consists of three electors of the state not more than two of whom shall belong to the same political party, and one member of whom shall be a licensed attorney. Term of office six years. This board has power to establish rules and regulations under which it may allow prisoners within the penitentiary and reformatory to go upon parole outside these institutions, but to remain while on parole in the legal custody of the wardens and under the control of the board.

32. The **State Sanatorium for the Treatment of Tuberculosis** is located at "Oakdale," a beautiful tract of land consisting of 160 acres about five miles northwest of Iowa City.

The object of this institution is for the care and treatment of persons afflicted with incipient pulmonary tuberculosis. It is governed by a superintendent appointed by the board of control for a period of four years. He must be a well educated physician with an experience of at least five years in actual practice of medicine. His salary is \$2,500 per annum.

The Sanatorium is open for all bona fide residents of the state, but all patients who are able to pay, are charged such rate monthly as the board of control may fix, not exceeding the average actual per capita cost of care, treatment and maintenance. The average number of patients may not exceed two hundred per month.

QUESTIONS.

1. Name and locate the state institutions
2. What is the object of each?
3. Who are generally prepared for entering the college department of the state university?
4. How many departments are there in the university?
5. How are the trustees of these institutions chosen?
6. Explain the duties of the board of control.
7. How may an insane person be admitted to a hospital?
8. Who are sent to the industrial schools? Must a child commit a crime in order to be sent?
9. Where is the penitentiary located? Name the officers.
10. Where is the reformatory located? In what respect does the reformatory differ from the penitentiary?
11. Where is the state Sanatorium located? What benefits are derived from this institution?

CHAPTER XIV.

POLITICAL MEETINGS—ELECTIONS.

1. Very early in our history, in fact, before our nation became the United States, there were political parties. During the Revolutionary War the patriots, or those favoring independence, were in the majority, but there were large numbers of loyalists or those who favored English rule. Such vital principles as these seldom form the line between parties except in times of war. In times of peace the differences between the issues of the two parties are generally of no serious consequence, and the party lines serve principally to render the nomination and election of officers easier than would be possible without political parties.

2. The organization of the great parties is as complete as that of the government itself, extending from the lowest unit of government to the highest. For each political division and subdivision, the party has a corresponding organization which looks after the nomination and election of every officer from a member of a town council to the president of the United States. Thus there is a committeeman in each township and city ward who make up the central committee of the county and city. These in turn work with the committee of the congressional district, state, and nation, in control of the affairs of the party.

3. In most cities and towns in Iowa the nomination of candidates for office is made by means of a caucus, but a state-wide primary election is employed in the nomination of candidates for township, county and state offices (except candidates for the office of judge of the supreme, district and superior courts)

to be filled at the general election in November next ensuing, and for senator in the congress of the United States in the next year preceding the filling of that office by the general assembly, and for the electors of the president and vice-president of the United States, in the year in which a president and vice-president are to be elected. This election is similar to, and conducted with all the precaution of a regular election.

4. The term **Primary Election**, then, is applied to an election by the members of various political parties for the purpose of placing in nomination candidates for public offices, for selecting delegates to conventions and for the selection of party committeemen.

5. The term **Political Party** as used in our primary law, means a party which at the last preceding general election cast for its candidate for governor at least two per centum of the total vote cast at said election. Only members of a political party which cast at least two per centum of the total vote cast for governor at the last preceding general election, are entitled to vote at a primary election.

6. The primary election by all political parties is held at the usual voting places of the several precincts on the first Monday in June in the year 1912, and biennially thereafter.

7. The **Judges and Clerks** of all primary elections are selected and appointed the same as for the general election held in November. Their compensation is twenty-five cents per hour for all official services rendered.

8. The Australian ballot system is used, except as hereinafter designated. In all cases the voter shall mark his ballot in the square before the name of each person for whom he desires to vote. In cities where registration is required by law, the polls shall be open from 7:00 A. M. to 8:00 P. M., and in all other precincts from 9:00 A. M. to 8:00 P. M.

9. Primary ballots differ from those used at the

general election in November, the party tickets being printed on separate slips of paper for each political party, while at the general election the party tickets are printed collectively on one sheet of paper. The elector voting at a primary election shall be allowed to vote for candidates for nomination on the ticket of only one political party, and that shall be the party with which he is registered or affiliated. Upon passing the guard rail he shall designate the party with which he is registered or affiliated, and if found correct and his vote is not challenged the judges of election shall give him the ballot of the party designated. The elector shall accept this ballot, retire to an unoccupied booth within the guard rails, properly mark his ballot by placing an X in the square before the name of all persons for whom he desires to vote, fold his ballot so that only the endorsement of the judges and the fac simile of the county auditor's signature may be seen, and return it to the judges of election who will announce his name, and, if unchallenged, deposit the ballot in the ballot box.

An elector whose right to vote is challenged, may take the oath of a challenged voter and require the judges of election to deposit his ballot in the ballot box. This fact must be recorded by the clerks of election opposite the elector's name in the poll books. Whether the elector had a right to vote, remains a question for a court of justice to determine.

10. Upon the closing of the polls the clerks and judges shall immediately open the ballot box, count the number of ballots cast for each party, at the same time bunching the tickets cast for each party in separate piles. As soon as the ballots have been sorted, they shall take the tally sheets provided in the poll books and count all of the ballots for each party separately, and certify to the number of votes cast for each candidate for office upon the ticket of each party. After all have been counted and certified to by the clerks and judges, they shall seal the ballots cast by each party in separate envelopes, and then seal the

envelopes containing the votes of the different political parties in one large envelope and return this with all of the unused ballots, spoiled ballots (sealed in separate party envelopes) disputed ballots (sealed in separate party envelopes) and poll book (one poll book is sent to township or city clerk) to the county auditor within twenty-four hours after the primary election has closed. The county auditor shall carefully preserve these returns in the condition in which they were received, and deliver them to the county board of canvassers.

II. On the second Tuesday next following the primary election the county supervisors shall meet as a **County Board of Canvassers** and canvass the returns from each of the voting precincts in the county, and make abstracts of the number of ballots cast by each political party, separately, for each office; the name of each person voted for and the number of votes given to each person for each different office, and shall sign and certify thereto and file the same with the county auditor. Such canvass and certificate shall be final as to all candidates for nomination to any elective county office, or office of a sub-division of a county. The candidate or candidates of each political party for each office having received the highest number of votes shall be duly and legally nominated as the candidate of his party for such office. Provided, however, that no candidate whose name is not printed on the official primary ballot, who receives less than five per centum of the votes cast in such sub-division for governor on the party ticket with which he affiliates, at the last general election, nor less than five votes shall be declared to have been nominated to any such office; and the candidate or candidates of each political party for each office of the county having received the highest number of votes, and not less than thirty-five per centum of all votes cast by the party for such office, shall be duly and legally nominated as the candidate of his party for such office.

12. The County Board of Canvassers shall also make a separate abstract of the canvass as to the following offices and certify to the same and forthwith forward it to the Secretary of State: United States Senator, Electors of the President and Vice-President of the United States, all state officers, representative in Congress, senators and representatives in the General Assembly.

13. **Canvass by State Board.** On the second Monday after the primary election in June, the **Executive Council** shall meet as a state canvassing board, and open and canvass the **Abstract Returns** received from each county in the state. If returns have not been received from all of the counties, the secretary of state shall immediately send a messenger after the abstract returns and the board may adjourn from day to day until they are received. The state board makes an abstract of its canvass similar to that made by the county board of canvassers, and files same with the secretary of state.

14. Not less than fifteen days before the general election in November the secretary of state shall certify to the auditor of each county, under separate party headings, the name of each person nominated as shown by the official canvass made by the executive council, his place of residence, the office to which he is nominated, and the order in which the tickets of the several political parties shall appear on the official ballot.

In case a tie vote resulting in no nomination for any office, or election of delegates or party committeeman, the tie shall forthwith be determined by lot by the board of canvassers, or judges of election as the case may be. Vacancies occurring in nomination made in the primary election before holding the county convention, district or state convention, shall be filled by the county convention if the office in which the vacancy in nomination occurs is to be filled by the voters of the county; by a district convention if the office in which the vacancy in nomination oc-

curs is to be filled by the voters of a district composed of more than one county; by the state convention if the office in which the vacancy occurs is to be filled by the voters of the entire state. If a vacancy in nomination in such offices occurs after the holding of those conventions, or on failure of any such convention to fill a vacancy in nomination, as aforesaid, then it shall be filled by the party committee for the county, district or state, as the case may be.

Vacancies in nomination for office to be filled by the voters of a territory smaller than a county shall be filled by the members of the party committee for the county from such subdivision.

15. Any person desiring to be a candidate for an elective office shall have the qualifications required by law. Before his name can be placed on the primary ballot he shall file nomination papers signed by resident electors of the party with which he affiliates as follows: For a state office, one per centum of the voters of the party (as shown by the last general election) of such candidates, in at least ten counties of the state, and in the aggregate not less than one-half of one per centum of the total vote of his party in the state, as shown by the last general election; for representative in congress, district elector, or senator in the general assembly in districts composed of more than one county, by at least two per centum of the voters of his party, as shown by the last general election, in at least one-half of the counties of the district, and in the aggregate not less than one per centum of the total vote of his party in such district as shown by the last general election; for an office to be filled by the voters of the county, by at least two per centum of the party vote of the county, as shown by the last general election. In each of the above cases, the vote to be taken for the purpose of computing the percentages shall be the vote cast for the head of the ticket.

16. Every candidate shall make and file with his nomination papers an affidavit stating that he is

eligible to the office for the township, county or state in which he is and will be a bona fide candidate for said office, and if nominated and elected will qualify as such officer.

Nomination papers for an elective county office shall be filed with the county auditor not less than thirty days prior to the day fixed for holding the primary election; for a state office, or for representative in Congress of the United States, or member of the General Assembly, with the Secretary of State not less than forty days prior to such primary election.

17. In paragraph 4 we learned that a primary election is held not only for the purpose of placing in nomination candidates for various elective offices, but for the purpose of selecting (electing) delegates to the county convention and for the selection (election) of party committeemen. The number of **Delegates** from each voting precinct shall be determined by a ratio adopted by the respective party central committees, a statement designating the number from each precinct in the county filed with the county auditor at least thirty days before the primary election; if not so done, the county auditor shall fix the number. The requisite number of persons from each precinct who receive the highest number of votes shall be the delegates from the precinct to the county convention. The term of office of such delegates shall be for two years, and begin immediately after the official canvass of the votes by the county supervisors.

One member of the **County Central Committee** for each political party from each precinct shall be elected. His term of office begins on the day of the county convention and immediately following the adjournment thereof, and continues two years or until his successor is elected and qualified. The county central committee elected in the primary election shall organize on the day of the county convention, immediately following the same. Vacancies in such

committee may be filled by a majority vote of the committee.

18. The **County Convention** of each political party shall be held at the county seat on the fourth Saturday following the primary election, and convene at 11:00 o'clock A. M. Said convention shall be composed of delegates elected at the last **preceding** primary election. The convention shall be called to order by the chairman of the county central committee, who shall present a certified list of delegates and members of the county central committee, and a list of the offices for which no nomination was made at the primary election, said certified lists to be made by the county auditor. If any precinct shall not be fully represented, the delegate present from such precinct shall cast the full vote thereof, but there shall be no proxies.

They shall make nominations of candidates for the party for any office to be filled by the voters of the county when no candidate for such office has been nominated at the preceding primary election; for the office of judge of the district court in counties comprising one judicial district of the state; delegates to the ensuing state and district conventions of that year, upon such ratio of representation as may be determined by the party organization of the state, district or districts of the state, but no delegates shall be selected to any of the district conventions, except judicial, unless a call therefor has been issued as provided by law.

The convention shall also elect a member of the party central committee for the senatorial, judicial and congressional districts of which the county is a part.

In no case shall the county convention make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the superior or district courts.

The convention is governed by the rules and regulations commonly in force in gatherings of this nature. All nominations for elective offices are certified to by

the chairman and secretary and filed with the county auditor.

19. **District Convention.** In any senatorial, judicial or congressional district composed of more than one county, in any year in which a senator in the general assembly, a judge of the third court, or a representative in the Congress of the United States is to be elected, a senatorial or congressional convention may be held, and a **judicial convention** shall be held by each political party participating in the primary election of that year. Not less than ten days and not more than sixty days before the day fixed for holding the county convention, a call for such senatorial, judicial or congressional convention to be held, shall be issued by the party central committee of such district. This call shall state the number of delegates each county shall be entitled to, and the time and place of holding the convention. It shall be signed by the chairman of the party central committee for the district, and be filed by him with the county auditor not less than five days before the county convention and the county auditor shall attach a true copy thereof to the certified list of delegates required to be delivered by him to the chairman of the respective party county central committees. The required number of delegates shall be selected by the county convention as designated in Section 18.

The district convention shall not be held earlier than the first Thursday nor later than the fifth Thursday following the county convention.

The convention when organized shall make nominations of candidates for the party for any such district office when no candidate for such office has been nominated at the primary election. The organization of and procedure in any district convention shall be the same as in the state convention. Such district conventions may adopt party platforms, and transact such other business as may properly come before them. But in no case shall any such conven-

tion of a party make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the district court.

20. A **State Convention** of each political party, composed of delegates chosen as designated in Section 18, shall be held at such time and place as may be determined upon by the party organization.

The convention shall be called to order by the chairman of the state central committee, who shall thereupon present a list of delegates as certified by the various county conventions, and effect a temporary organization. If any county shall not be fully represented, the delegate present from such county shall cast the full vote thereof, but there shall be no proxies. The convention when permanently organized shall formulate and adopt the state platform of the party it represents, and shall make nominations of candidates for the party for any state office to be filled by the voters of the entire state when no candidate for such office has been nominated at the preceding primary election; and shall nominate candidates for the office of judge of the supreme court. It shall also elect a **State Central Committee** consisting of not less than one member from each congressional district, and transact such other business as may properly be brought before it. In no case shall the state convention of a party make a nomination for an office for which no person was voted for in the primary election of such party, except for judges of the supreme court.

The state central committee elected by the state convention, may organize at pleasure, and shall continue to act until succeeded by another committee duly elected.

21. **Nomination by Petition.** Nominations made by political parties having cast less than two per centum of the entire vote polled at the last preceding general election must nominate their candidates for elective offices by petition. At least five hundred

electors of the state must sign the petition asking for the nomination of officers to be elected by voters of the whole state. Petitions for nomination of county officers or of a division less than the state, must be signed by not less than twenty-five qualified voters of such county, district or division. Petitions for nominations of officers of a city, town, precinct or ward must be signed by not less than ten electors thereof. Each elector so petitioning shall add to his signature his place of business and postoffice address.

Petitioners who have candidates placed on the ballot without a nominating convention are not entitled to have their tickets headed by the name of the party which they claim to represent, when such party nominates a ticket by convention.

22. Any candidate may withdraw his nomination by a written request, signed and acknowledged by him before any officer empowered to take acknowledgments, and filed in the office of the secretary of state fifteen days, or the proper auditor or clerk eight days before the day of election and no name so withdrawn shall be printed on the ballot.

23. The secretary of state makes out from the certificates filed with him a list of all the candidates, with the residence and the political party to which each belongs, and certifies the same to each county auditor not less than fifteen days before election. The county auditor then has at hand all the data necessary for making out ballots for each voting precinct in his county.

24. The county auditors have the ballots printed and furnish them to the judges of election of each precinct. If a constitutional amendment is to be submitted, it is printed on a separate ballot.

25. One and a half times the number of ballots supposed to be required at each voting precinct are delivered to the judges thereof, and enough extra ballots are kept by the auditor to supply the largest voting precinct in the county. These reserve ballots are blank for all offices except those voted for by the

entire county, and if it is necessary to use them the names of candidates voted for by a division of the county must be written by the voter in the blank spaces. The auditor also prepares full instructions for the guidance of voters at elections. The instructions are printed on cards in large, clear type and given to the judges of election. One of these cards must be posted in each voting booth, and at least four such cards in and about the polling place on the day of election.

26. The trustees of the township provide polling places, booths and other things necessary for holding the election. In cities and towns the mayor and clerk or recorder attend to this duty.

27. The election board of each precinct is composed of three judges and two clerks. Township trustees and clerks are members of the board ex-officio unless the three trustees belong to the same political party, then the board of supervisors appoints some one from that precinct belonging to the other next strongest political party of that precinct, as judge in place of that trustee having the longest time to serve. In cities vacancies are filled in the same way, except in the city election, when the whole is in the hands of the councilmen. Councilmen are ex-officio judges of elections in their precincts, as are trustees in townships. The two clerks of election must not belong to the same party. The membership of the election boards is completed by the board of supervisors.

28. If a vacancy in judges or clerks occur at the opening of the polls, it is filled from the political party entitled to the vacant place by the other members of the board.

29. At the place of voting there must be a guard rail so placed that anyone outside the guard rail cannot approach nearer than six feet of the ballot box. The booths are placed within this guard rail. They must be seven feet high, and conceal the voter from sight. Any elector wishing to vote passes up to the railing and gives his name to the judges. If unchallenged and registration is not required in the precinct, his name is

written on the two poll books by the clerks and he is allowed to pass within the railing. If challenged he must affirm under oath that he is a qualified elector before he can vote. One of the judges gives him one ballot bearing judge's initials and he passes into a booth alone to make out his ballot. If he is unable so to do, two of the election officers of different political parties assist him. If he should spoil the ballot given him he returns the spoiled one to the judges and receives another. After marking his ballot he folds it so the marks cannot be seen, before leaving the booth. He gives it to one of the judges, who deposits it in the ballot box. The voter then immediately passes outside the railing.

30. Registration of voters is required in all cities having a population of over thirty-five hundred. In such cities a board of registry, consisting of two persons of opposite political parties, is appointed. Qualified voters must appear before the board at the designated time and place for registration. At the election in any such precinct anyone not having registered is not allowed to vote unless he can prove that he was absent from town on the days on which the board of registry met. If this is the case he may register on election day, as the board is in session somewhere near the polls on that day.

31. As soon as the poll is closed the judges canvass the vote, each clerk keeping a tally list, and declare the result. They issue certificates of election to such officers as are elected in that precinct. All ballots that are found defective or are disputed for any cause, are placed in envelopes, sealed and marked. All other ballots are folded in two folds, strung on a wire which is tied firmly and sealed so that it cannot be untied without breaking the seal, and placed in another envelope and sealed. They then return all ballots to the officer from whom they were received. One of the poll-books containing the returns of the election is returned to the county auditor also after each general

election and the next Monday the county supervisors meet to canvass the returns of the whole county.

32. The twenty-eighth general assembly passed a law authorizing the use of voting machines.

33. The marks outside the squares serve to make the ballot so that it can be identified. As the object of the law is to make a secret ballot this is a violation of the law. Any marks outside of the squares except those used in writing the name of the candidate, when there is a blank for such name, might serve to identify the ballot, and the judges should reject such ballot.

34. If a straight ticket is desired to be cast, mark in the square opposite the name of each candidate on the party ticket. If the voter wishes to cast a mixed ballot, he should mark in the square opposite the name of each candidate he desires to vote for and put no other mark on the paper.

35. Both primary and general election expenses are paid by the county out of the general fund.

A STRAIGHT REPUBLICAN BALLOT

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A MIXED BALLOT

REPUBLICAN	DEMOCRAT	PROHIBITION	UNION LABOR
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A BALLOT THAT MUST BE REJECTED

REPUBLICAN	DEMOCRAT	PROHIBITION	UNION LABOR
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QUESTION.

1. What is a political party?
2. What is a caucus? A primary election?
3. What political organizations does our primary election law recognize as "political parties"? Who are qualified to vote at a primary election?
4. When are primary elections held? How are judges and clerks of a primary election chosen? What is their compensation?
5. In what respect do primary ballots differ from those used at a general election?
6. Give process in voting. What is a challenge?
7. State method employed in counting primary ballots. What is done with the returns?
8. Who canvasses the vote of the county? When does this board meet? Give process of canvassing the vote of a county.
9. What is an abstract of votes? When are the votes canvassed by the state board of canvassers? Who compose this board?
10. What per centum of the vote must a person receive to secure nomination to an elective office?
11. What is a nomination paper? Who may sign nomination papers? How and with whom are nomination papers filed?
12. What is a convention? How are delegates chosen?
13. When are county, district and state conventions held? What is the purpose of these conventions? Who is chairman?
14. How proceed to nominate a candidate by petition? Under what condition may his name be placed on the official ballot as a party candidate? If not placed as a party candidate, how would you place it on the ballot?
15. What political organizations must nominate candidates by convention?
16. How may a person nominated by a convention or by petition withdraw his name? Can he withdraw his name, providing he has filed nomina-

tion papers and received his nomination at a primary election? Why not?

17. How are candidates for the office of judge of the district, superior and supreme court nominated?

18. What does the secretary of state do in regard

19. What does the county auditor do?

20. How many ballots are printed?

21. What about reserve ballots?

22. What are instruction cards?

23. Give duties of trustees.

24. Who are the judges of election?

25. Describe arrangement of place of voting.

26. If challenged what must the voter do? Who

27. Where is registration required?

28. What of the elector who is absent on registra-

29. Are the supervisors required to look over and

30. In what condition are the used ballots returned to the county auditor?

31. How are primary and general election expenses paid?

CHAPTER XV.

THE STATE AND THE UNITED STATES.

1. We have studied about the public business of the township and how it is attended to, why for convenience and economy much of the local business is placed in the hands of the county government, and why the making of general laws and the public business that can best be conducted by the state are in the hand of the state government.

2. The constitution of Iowa is the supreme law of the state and, according to it, it is unlawful for the state government to attend to business which belongs to the counties, cities and towns, but in order that the local affairs shall be administered uniformly the state makes general laws for guidance of counties, cities, towns, and townships.

3. As the county is composed of townships and the state of counties, so is the United States composed of the different states, entirely independent of each other. Never do two states together elect an officer of the United States, as we find two or more counties sometimes united into one district for the election of state senators or other officers.

4. Our national legislature is called Congress, and is composed of two branches, the house of representatives and the senate. The former is called the lower house and is composed of members elected for a term of two years from different states in proportion to the number of inhabitants. The senate is composed of two members from each state, thus giving the largest and the smallest states equal power in the senate. For the purpose of electing members of the lower house, each state is divided by its legislature into districts, the

number of districts of each state generally equaling the number of representatives to which it is entitled. (Iowa is entitled to eleven representatives) Senators are elected by the state legislatures for a term of six years.

5. A **Representative** must be at least twenty-five years of age, a citizen of United States seven years and a resident of the state from which he is chosen. When a vacancy occurs in the representation from any state, the governor issues a proclamation to the voters of the congressional district in which the vacancy exists, directing them to meet at a specified time, for the purpose of electing a representative to fill the vacancy.

6. The United States takes the census every ten years. After each census Congress determines how many representatives there will be for the ensuing ten years and apportions them among the states.

7. A **Senator** must be at least thirty years old, have been nine years a citizen of the United States, and a resident of the state from which he is chosen.

8. If a vacancy occurs in the senate when the legislature is not in session, the governor of the state in which the vacancy exists appoints a senator until such time as the legislature shall meet again. They either confirm the governor's appointment, or elect another senator.

9. There is an executive department of our national government to oversee the general business of the country, and a judicial department to try all cases of violation of national laws.

10. The **President** is the chief officer of our executive department. The vice president sustains about the same relation to the national government as our lieutenant governor does to the state government. The president and vice president are elected indirectly by the people, but all other executive and the judicial officers of the United States are appointed either by the president, with consent of the senate, by the president alone or by other executive officers.

The public executive business of the nation is so divided as to be included in nine departments. The head officer of each department is closely allied with the president, these nine officers comprising the president's cabinet, or advisory council. The collection of all customs and revenue, regulation of commerce between the different states, the postal service, care of Indians, pensioning soldiers, the building of national improvements and intercourse with other countries are under national control. These duties and powers are assigned to the national government by the constitution of the United States. This instrument limits the powers of the states, but all powers not prohibited them nor given to the federal government are supposed to remain with the states.

QUESTIONS.

1. Are any United States officers ever elected jointly by two or more states?
2. Compare congress with our state legislature.
3. Of what is each house composed?
4. How many representatives are from Iowa?
5. How often are they apportioned?
6. What executive officers of the nation are elected by the people indirectly?
7. Who appoints the other executive and the judicial officers?
8. How many departments in the executive department?
9. What special powers and duties are assigned to the national government by the constitution of the United States?
10. How are vacancies in the senate filled? In the house?
11. Give the qualifications of a senator. A representative.
12. How many cabinet officers are there? Give their duties.

CHAPTER XVI.

NATIONAL EXECUTIVE DEPARTMENT.

1. The term of office of president and vice president is four years. They are elected by electors, who are chosen by the several states on the Tuesday after the first Monday in November, each state choosing as many electors as it has representatives and senators in congress. No person holding an office of profit or trust under the United States can be an elector. The electors of each state meet at their state capital on the second Monday in January following their election and vote separately for president and vice president, both of whom cannot be a resident of the same state with themselves. They then make separate lists of all persons voted for as president and for vice president, showing the number of votes cast for each. The lists are signed, certified and one is sealed and sent by mail to Washington, D. C., directed to the president of the senate, another is sent by special messenger, generally an elector, and a third is deposited with the judge of the United States district in which the electors meet.

2. On the second Wednesday in February, these lists are opened by the president of the senate in the presence of both houses of congress and the votes counted. The persons having a majority of all the votes cast for president and vice president respectively, are declared elected.

If no one receives a majority of all the votes cast for president, the house of representatives at once choose, by ballot, a president from not more than the three persons having the highest number of votes for that office. The ballot is taken by states and two-thirds of the states must be represented in order to constitute a

quorum, each state having one vote. A majority of all the states is necessary for a choice. If no person has the required number of votes for vice president, the senate chooses a vice president from the two highest on the list. A quorum for this purpose consists of two-thirds of the whole number of senators and a majority of the whole number is necessary to elect.

3. The object of having the president and vice president elected by electors instead of by the people directly was originally to place the election in the hands of trusted men, who would be better able to make a wise choice than would the people at large. Political parties, however, grew up and the electors nominated by the parties are pledged to support the presidential candidate of their own party. Thus the election of our chief executive is practically a popular election, and the machinery of election of the electors, etc., is merely a form entirely devoid of the result expected.

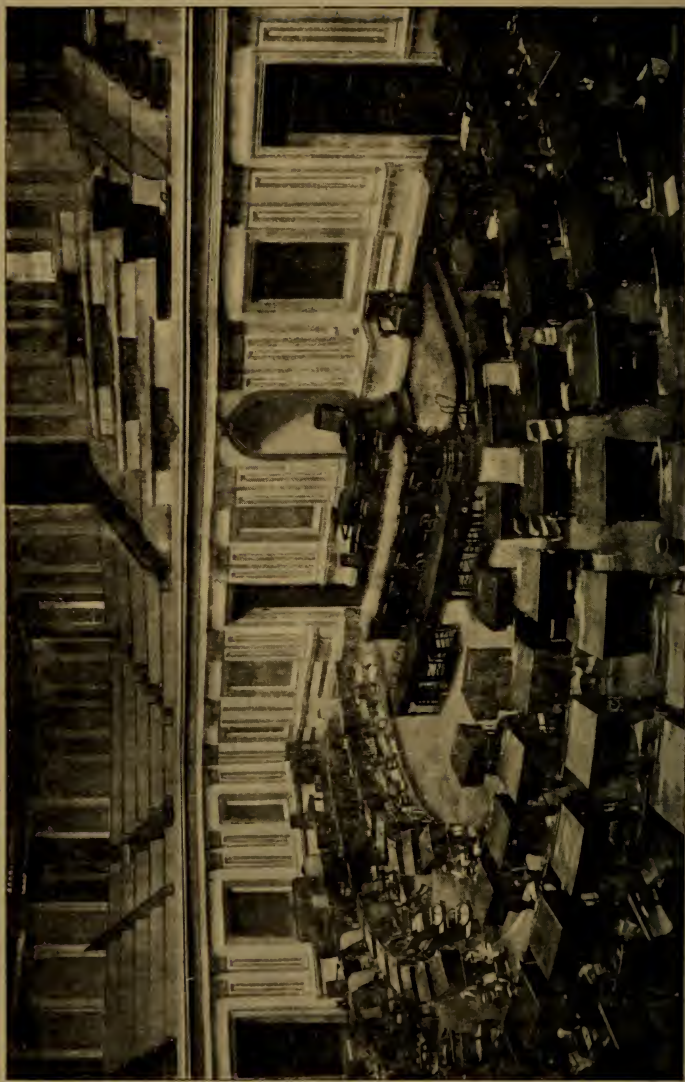
4. In 1876 two certificates were returned by some of the states, and an **Electoral Commission** consisting of five representatives, five senators and five judges of the supreme court was appointed by congress to decide the contest.

5. In 1887 congress passed the **Electoral Count Bill**, which proclaims that every state may provide by law for the final determination of all cases of contest concerning the choosing of electors. If any state fails to make adequate provision and two certificates from one state are sent to the president of the senate, the two houses of congress separately determine which returns shall be accepted, and if the two houses fail to agree, those returns which are certified to by the governor of the state in question are accepted.

6. The **President and Vice President** must be native-born citizens of the United States, and at least thirty-five years of age.

7. Before entering upon his official duties the president takes the oath of office, which is administered by





UNITED STATES SENATE CHAMBER

the chief justice of the supreme court, usually in the presence of a vast throng of interested spectators, after which he delivers an inaugural address, setting forth the policy of his administration.

8. The **Appointments** made by the president are confirmed by the senate, which body has power to reject the appointments if it sees fit.

9. The first appointments made are the **Cabinet Officers**, who are men of similar political views with the president and whose support and assistance is desired in the arduous duties of the executive department. The ministers and ambassadors to foreign countries are the next most important officers appointed. A minister is a representative to a foreign power and resides at the seat of government of the country to which he is minister. He should be in hearty accord with the administration of our government and a man worthy of the nation's trust.

10. An ambassador is a minister of the highest rank, who represents our nation in a foreign country where he resides at the capital city. His chief duty is to watch events there and keep his own country informed of any that may effect it. He often takes part in making treaties. There are about thirty ambassadors sent to us from foreign countries who live in Washington.

11. All United States **judges** and **consuls** are appointed by the president. The latter's duties relate to the private business of his countrymen, such as certifying the value of goods to be exported, so that when they reach this country the duties to be paid may be easily calculated here.

12. They are in all the chief commercial centers in the world. At present they number about eleven hundred and fifty.

13. There are a large number of clerks, bookkeepers, stenographers, etc., employed in the nine departments. These are all appointed. Over 80,000 of them are now included in the classified service, and are not

subject to removal except for reasons other than political. In order to secure competent persons for these positions, examinations are held in some of the principal cities of each state, where those wishing positions are examined. Those receiving the highest grades are appointed,* and when vacancies occur in the more responsible places, the most faithful and competent in the lower positions are promoted. This method of securing efficient service has proved very successful, and meets the approval of the great majority of the people.

14. Many appointments are delegated by the president to the heads of the several departments to which they belong. City postmasters are appointed by the president, while those of smaller towns are appointed by the fourth assistant postmaster general.

15. The following are the remaining duties and powers of the president:

16. Command of the federal army and navy, and of the militia of the several states when called into service of the United States. Power to make treaties, but with the advice and consent of the senate—two-thirds of the senate must agree. Power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment; to convene both houses on extraordinary occasions; to disagree with any bill or resolution passed by congress. Congress has power to pass any bill so returned by a two-thirds majority of both houses.

17. Duty to inform congress of the condition of the country and recommend such measures as he deems expedient for the best interests of the country. (This is known as president's message.) Duty to receive foreign ambassadors, to see that the laws are faithfully executed and to commission all officers of the United States. Thus besides the power of appoint-

*When a selection is to be made the three highest are certified and one is chosen from this three. Thus the one highest on the list may be certified three times, and then not get an appointment.

ment, the president has functions relating to administration of foreign affairs, administration of domestic affairs and legislation.

18. The governor of Iowa has powers and duties corresponding to nearly all these except those relating to the administration of foreign affairs. The appointive powers of the president are relatively greater since in addition to appointments relating to foreign affairs, he chooses his cabinet officers, while the state officers corresponding to these are elected by the people.

19. Corresponding duties and powers of president and governor:

PRESIDENT.

1. Appointive power.
2. Commander of army and navy.
3. Power to grant pardons and reprieves and commute sentences.
4. Power to convene congress on extraordinary occasions.
5. Veto power.
6. Duty to send messages to congress setting forth the condition of the country and recommending measures for its welfare.
7. Duty to see that the laws of the United States are faithfully executed.
8. Duty to commission all officers of the United States.

GOVERNOR.

1. Appointive power.
2. Commander of militia.
3. Power to grant pardons and commute sentences.
4. Power to call extra sessions of the general assembly.
5. Veto power.
6. Duty to send a biennial report to the legislature setting forth the condition of the state and recommending measures for its welfare.

7. Duty to see that the laws of the state are faithfully executed.
8. Duty to commission state officers.

CABINET OFFICERS.

20. The **Secretary of State** occupies the highest position in the cabinet. The management of foreign affairs is his chief duty. The ambassadors and ministers to other countries, as well as consuls, are under his instructions. He has charge of the great seal of the United States, keeps the public records and publishes the statutes or laws of the United States.

21. He issues passports or traveling papers to our citizens wishing to travel in foreign countries. When foreign criminals take refuge in this country, he issues warrants for their delivery according to existing treaties.

22. The **Secretary of the Treasury** is the minister of finance, and to recommend measures for the financial welfare. To the extent congress permits, he has charge of the currency and of the national debt. He reports to congress and to the public the condition of the treasury. At the beginning of our national government the financial question was of great importance. There was no money in the treasury and a financial system had to be built up. This emergency made this department of first importance at that time, and Alexander Hamilton won merited renown by rescuing the country from embarrassment and founding our finance on a firm basis.

23. This officer superintends the collection of all revenue, the coinage of money, and operation of national banks. The life saving service, coast and geodetic survey, bureau of immigration and the hospital for disabled sailors, are under his charge. He is chairman of the lighthouse board which attends to the light-houses along the sea-coast and lake-coast. His greatest responsibility is the management of the national debt. The magnitude of the work may be

realized by observing that expenditures of the government are \$500,000,000 per year and over one hundred fifty skilled and responsible employees are necessary to attend to the immediate work of the department. (This number does not include collectors of revenue.)

24. The **Secretary of War** has charge of the affairs of the army and of the military academy at West Point. He also supervises the expenditures of money voted by congress for the improvement of rivers and harbors.

25. The **Attorney General** has general oversight of the judicial affairs of the nation. He prosecutes all suits in the supreme court in which the United States is interested, and gives his opinion in writing upon the questions of law to the president and heads of departments, when such questions pertain to the duties of their offices. This department has such varied and extensive duties that the attorney general has six assistant attorney generals and three solicitors, each of whom is supposed to be specially well informed in the particular lines of his duties; ten assistant attorneys, several clerks and a private secretary.

26. The **Secretary of Navy** has charge of the navy and of the naval academy at Annapolis. He has general management of the naval observatory at Washington. This department issues sailing charts, sailing directions, and other publications for use of seamen.

27. The **Postmaster General** has general charge of the postal service of the United States.

The postmaster general has four assistants. The first assistant postmaster general has charge of the salary and allowance division, the free delivery, money order division, the dead letter office and the correspondence division. The second assistant postmaster general has charge of the transportation of mails. The third assistant postmaster general has charge of the finance, of issuing postage stamps and stamped envelopes, of the division of registered letters, and of mail classification. The fourth assistant postmaster general has charge of the appointment of postmasters, filing

and approving their bonds; and of the division of post office inspectors and mail depredations.

28. The **Secretary of Interior** has charge of the public lands, patents, pensions and affairs relating to the Indians. This department also has the management of taking the census. The commissioner of education and superintendent of the geological survey are officers of this department.

29. The **Secretary of Agriculture** has general management of the collection of information relating to agriculture. The weather bureau and the bureau of animal industries are important divisions of this department.

30. The **Secretary of Commerce** deals with commerce by land and sea, with all labor questions, and all matters pertaining to great business corporations. This office is a kind of clearing house for information concerning trade and opportunity the world over.

EXECUTIVE MANSION RULES.

31. The cabinet will meet Tuesdays and Fridays at 11 o'clock in the morning.

32. The president will receive senators and representatives in congress from 10 to 12 o'clock on all days except cabinet days.

33. Persons not senators or representatives having business with the president will be received from 12 to 1 o'clock every day except Mondays and cabinet days.

34. Those having no business, but who desire to pay their respects, will be received by the president in the East room at 3 o'clock P. M. on Mondays, Wednesdays, and Fridays.

35. These rules are changed from time to time to suit the general convenience, but they show the system that must prevail in the busy life of our chief executive.

QUESTIONS.

1. Name the chief duties of the president. Of the vice president.

2. Make a comparison of the duties of governor of Iowa with those of president.

3. What duties has the latter that the former does not have?

4. Name the chief duties of secretary of state. With what state officer does he most closely correspond?

5. Name the chief duties of the secretary of the treasury. Of secretaries of war and navy.

6. Name the duties of attorney general and compare with corresponding state officer.

7. What duties belong to the department of interior?

8. What business belongs to the department of agriculture?

9. Give your reasons why the bureau of education does not occupy the position of importance in the nation that the department of education does in the state of Iowa.

10. Describe the election of the president.

11. What was the electoral commission?

12. What did the electoral count bill provide?

13. What is a minister? An ambassador? His duties?

14. What is a consul? His duties?

15. What is meant by being included in the classified service? How many officers in this at present?

16. Does the president have the absolute power of appointment?

17. Who is secretary of commerce? What are his duties?

CHAPTER XVII.

THE LEGISLATIVE DEPARTMENT.

1. The legislative power of our nation is vested in congress, which comprises two branches as does our state legislature. The **House of Representatives** contains 433 members, (including New Mexico and Arizona) who come from the several states in proportion to the population. At present the ratio is about one representative for every 201,860. They are elected in even-numbered years, for a term of two years.

2. An additional member, called a representative at large, is chosen when a state has more representatives in congress than it has congressional districts. This happens after the census has been taken, and before the state legislature has had time to redistrict the state.

3. The house is organized in a manner very similar to that of the corresponding house in the state legislature. The speaker appoints all standing committees and names the chairman of each. The room in which the house meets is one hundred thirty-nine feet long by ninety-three feet wide and thirty-six feet high. Light is admitted through the ceiling. There are on all sides deep galleries running back over the lobbies and capable of seating two thousand five hundred persons. The seats are arranged in curved concentric rows looking towards the speaker, whose handsome marble chair is placed on a marble platform projecting slightly forward in the room; the clerks and the mace are below in front of him. In front of the clerks are the official stenographers and to the right is the seat of the sergeant-at-arms. Each member has a revolving arm-chair, with a roomy desk in front of it,

where he writes and keeps his papers. In the rear of these chairs is a railing, behind which there is an open space where the members may bring their visitors.

4. The **Senate** is composed of ninety-six members (including New Mexico and Arizona), two being chosen from each state by its legislature. Senators are elected for a term of six years, one-third of whom are elected every two years, thus making the term of a senator three times as long as that of a representative. The framers of the constitution of the United States in 1787 thought that by making the senatorial term a comparatively long one and having them elected by the legislature instead of by the people, directly, would tend to protect the country against sudden changes of popular opinion by preventing hasty legislation. The idea of having the senators elected by direct vote of the people is becoming very popular.

5. The senate chamber is on the same general plan and contains about one-third the floor space as the hall of the representatives.

6. The constitution gives congress the following powers:

To levy and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defense and general welfare, but all duties, imposts and excises shall be uniform throughout the United States:

To borrow money on credit of the United States; to regulate commerce with foreign nations and among the several states, and with the Indian tribes; to establish a uniform rule of naturalization, and uniform rules on the subject of bankruptcies throughout the United States.

To coin money, regulate the value thereof, and of foreign coin and fix the standard of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

To establish post-offices and post-roads; to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

To constitute tribunals inferior to the supreme court; to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; to declare the punishment of treason; to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy; to make rules for government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the union.

To suppress insurrections and repel invasions; to provide for organizing, arming and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of officers and the authority of training the militia according to the discipline prescribed by congress.

To exercise exclusive legislation in all cases whatsoever over the District of Columbia, and like authority over all places purchased from the different states by consent of their legislatures, for the erection of forts, magazines, arsenals, dockyards and other needful buildings.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the constitution in the government of the United States, or in any department or officer thereof.

7. **Direct Taxes** have been levied by congress but five times, the last time in 1861. The laws passed relating to indirect taxes use the word "duties" in referring to all kinds of indirect taxes. Taxes paid by the manu-

facturers of spirituous liquors and those paid by merchants who import goods into this country are indirect taxes. The importer or producer of such goods adds the amount of the tax to the price of the goods so that in the end the consumer pays the duty. Duties are levied at present on tobacco, spirituous liquors and a few other productions of minor importance. Those on imported goods vary from time to time, but are levied principally on such goods as are produced at home, the object being to encourage home production while at the same time raising revenue to meet the expenses of the nation.

8. Discrimination is sometimes made in favor of or against the imports from certain countries as they favor or discriminate against receiving goods from this country.

9. There is now in force an interstate commerce law which renders the commerce between the states uniform. Any law passed by a state which conflicts with this law or any other federal law is unconstitutional.

10. **Naturalization** is the process by which a foreigner becomes a citizen of the United States. A new naturalization law passed by congress in 1906, provides, first, that aliens applying for naturalization must be able to write in their own language, and to read, speak and understand the English language; applicants must further establish by affirmative evidence their good behavior for five years previous to the date of their petition; they must also satisfy the court that they are "attached to the principles of the constitution" and well disposed to good order; secondly, the bureau of the department of Commerce and Labor shall have supervision of all naturalization, and have custody to complete records which are kept by the bureau of immigration; thirdly, that by a system of fees—five dollars for each applicant, in addition to which he must pay the usual fees for all witnesses subpoenaed at his request—the expense shall be borne by the beneficiar-

ies; lastly, the government may apply to the courts for the revocation of any certificate of citizenship obtained by fraud, and that the certificate of any naturalized person who, within five years from the date of his admission, takes up permanent residence in a foreign country shall be liable to cancellation, our diplomatic and consular service being employed to trace and identify such persons.

11. This last named provision will stop, to some extent, the scandalous practice, only too common, under which applicants with no intention of living in this country obtain citizenship solely because of the immunities and protection afforded them by it in their own or other countries.

12. The children of citizens of the United States are considered citizens, though born abroad, and children born in United States of Chinese parentage are citizens of the United States.

13. Any person unable to pay his debts is said to be insolvent. Upon his own petition or that of one or more of his creditors he may go through proceedings of **bankruptcy** by which he is declared by the proper officer to be bankrupt and his property is divided among his creditors. He is then no longer liable for past debts, but may again accumulate and hold property in his own name. Three bankrupt laws have been passed by congress, but none have remained on the statutes of the nation more than eleven years. When no national law of this kind is in force the different states may pass laws relating to bankruptcy.

14. The metals used for coining money are gold, silver, nickel and copper. The first mint was established at Philadelphia in 1792. At present there are mints, also, at New Orleans, San Francisco, Carson City and Denver.

15. The punishment for **counterfeiting** paper money and securities of the United States is a fine not exceeding \$5,000 and imprisonment at hard labor not longer than fifteen years; for counterfeiting gold and

silver coins a fine not exceeding \$5,000, and imprisonment not longer than ten years; for counterfeiting nickel and copper coins a fine not exceeding \$1,000, and imprisonment not exceeding three years.

16. The **Postal Service** of the United States is a mechanism of great magnitude and nicety. There are over 63,000 post-offices, and many billion packages, including letters and postal cards, are received by the mails every year, over one-fourth the postal business of the world. The expenses of the post-office department is about \$100,000,000 annually. The money received from the sale of stamps lacks only about \$5,000,000 per year of paying all expenses.

17. The exclusive rights of authors are secured by **Copyrights** which are issued by the librarian of congress and are valid for twenty-eight years, and upon application may be extended fourteen years. Exclusive rights are secured to inventors by **Patents** issued by the commissioner of patents and are valid for seventeen years. About twenty-two thousand patents are issued annually. It costs but thirty-five dollars to obtain a patent. Fifteen dollars must accompany the application, which money is returned if the applicant is not granted a patent. This money is used to defray the expense of searching through the models in the patent office to see that there is no other article like it already covered by a patent.

18. Congress has constituted nine circuit courts and divided the United States into seventy-two judicial districts.

19. **Piracy** is robbery at sea. "High seas" is a general term meaning the ocean beyond low water mark.

Each independent government is responsible to foreign nations for the conduct of its citizens at sea. The law of nations consists of a body of rules, founded on justice, and recognized as governing the conduct and mutual relations of countries with one another.

20. **Treason** consists only in levying war against the United States or adhering to their enemies, giving them aid or comfort. No one except a citizen of the country can be guilty of treason.

No person can be convicted of treason except on the testimony of two witnesses to the same open act, or on confession in open court.

21. **Letters of Marque and Reprisal** are commissions granted to private persons to capture the property of citizens of another nation. The person so commissioned is a privateer and if in command of a vessel may commit acts that would be piracy if committed under other circumstances. Letters of marque and reprisal are now granted only in times of war.

22. Since appropriations for use of the army can not be made for a longer time than two years there is no danger of a war lasting much longer than the people of the country desire it, as the representatives they elect every two years are able to control the army through the appropriations.

23. Recent appropriations have greatly increased the navy and several new war vessels of the most effective pattern have been built. Compared with the navies of other countries, that of the United States is still small. Since the Spanish-American war a much larger navy than formerly, is required to protect our foreign interests, so ours has been largely increased.

24. The power to call forth the militia is delegated to the president in case of imminent danger or invasion. Because of this provision a large standing army is unnecessary.

The militia has been called out but twice; the first time to suppress the Whisky Insurrection, the second to suppress the rebellion in 1861-4. During Dorr's Rebellion in 1842, President Tyler ordered the militia of Connecticut and Massachusetts to be held in readiness but the Rhode Island militia proved sufficient for the emergency.

25. Congress has power to make all needful rules respecting the territory or other property of the United States; to propose amendments to the constitution; to admit new states into the union; to regulate the appellate jurisdiction of the supreme court and determine where trial for crimes shall be held, when not committed within any state; to revise and control any state laws respecting the laying of duties on imports and exports; to declare what officer shall act as president in case of death, removal, resignation or inability of both president and vice president; to vest the appointment of such inferior officers as it may think proper in the president alone, or in courts of law, or in the heads of departments.

26. Congress determines the time for choosing electors for president and vice president and the day on which electors give their votes is determined by congress.

27. Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state and congress may make general laws prescribing the manner in which such acts, records and proceedings shall be proved and what shall be their effect.

28. Limitations of the Power of Congress Provided by the Constitution.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. No bill of attainder or ex-post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census of enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state or from United States. No preference shall be given by any regulation of commerce or revenue to ports of one state over those of another, nor shall vessels bound to or from one state be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without consent of congress, accept any present, emolument, office or title, of any kind whatever, from any king, prince or foreign state.

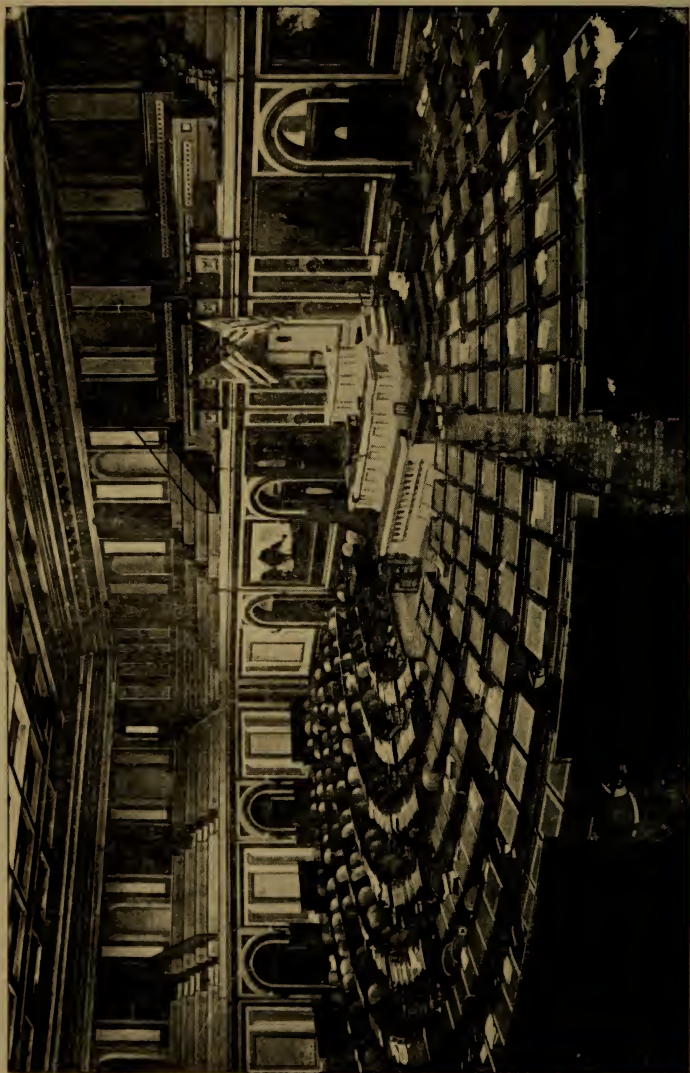
Congress can make no law respecting the establishment or prohibition of the free exercise of religion; no law abridging the freedom of speech or of the press; or of the people peaceably to assemble and to petition the government for a redress of grievances; nor can the right of the people to bear arms be infringed.

Any person who is imprisoned may demand that a hearing be given him in open court, where witnesses, relating to the cause of his imprisonment, may be examined. This is the privilege of **Habeas Corpus**, which is extended to protect everyone against imprisonment without just cause, and may be suspended or refused only in times of rebellion, or invasion, or when the public safety may require it.

29. In England prior to the time of the adoption of the constitution of the United States, **Bills of Attainder** had been passed by parliament. These bills inflicted the death penalty on the accused and made it unlawful for his children to inherit property. Sometimes such bills were passed when the accused was not guilty of crime that would have incurred severe punishment, but had no chance to be heard or bring witnesses in his favor. If congress had power to pass such a bill, the right of trial by jury would be lost to the person against whom the bill is directed.

30. An *ex post facto* law is one which makes an act a crime which was not so at the time it was committed, or imposes a punishment greater than the law inflicted when it was committed.





UNITED STATES HOUSE OF REPRESENTATIVES

31. Direct taxes are not imposed on the states by the federal government in proportion to their wealth, but according to their population.

32. Two years before the Declaration of Independence, parliament passed the Boston Port Bill, which removed the custom house from Boston, making it unlawful for ships to unload merchandise there. This was a great hardship on the people of that city. Thus it would be possible by establishing custom houses only at certain seaports or by remitting duties in whole or in part at certain ports of entry to discriminate in favor of such cities; hence this limitation.

33. Ships before leaving a port obtain **Clearance Papers** from custom-house officer; and if it be a foreign vessel, from the consul of the nation to which it belongs. A clearance paper is a written permission to leave, certifying that the owners of the vessel in question have complied with all formalities of the law.

34. The people of the thirteen colonies being oppressed by a king and living in a country where they had nothing to do with titled personages but to know them as oppressors, formed a dislike for a monarchy and its accompanying titles. Hence the law in the constitution regarding titles of nobility.

35. The right of petition was assailed, in 1836 when resolutions was passed by the house of representatives to the effect that petitions regarding slavery from those who wished it abolished would not be received by that body.

36. In the Constitutional Convention, the question of slavery imposed many obstacles. This question nearly prevented the formation of the union and afterwards almost destroyed the government. All the states except Massachusetts contained slaves, but the practice was fast dying out in the north. Finally compromises settled that representation in congress should be apportioned according to the population as follows: To the whole number of free persons, including those bound to service for a term of years and excluding

Indians not taxed, shall be added three-fifths of all other persons. "Other persons," meaning slaves. The north agreed that congress should not interfere with the importation of slaves for twenty years (till 1808), that runaway slaves should be returned and that a tax of not more than ten dollars could be imposed on the importation of each slave. The southern states agreed to count the slaves in the same manner in apportionment of direct taxes.

37. Each house is the judge of the elections, returns and qualifications of its own members. A majority of each constitute a quorum to do business; but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules for its proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy and at the request of one-fifth of those present the yeas and nays of the members of either house on any question shall, be entered on the journal.

Neither house, during the session of congress, shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

38. The house of representatives has sole power to originate bills for levying taxes, imposing duties and appropriating money, the senate having power to propose amendments to these as to other bills.

This provision was intended for keeping the national purse as nearly as possible in the hands of the people.

39. The house also has the sole power of **Impeachment** and the senate has sole power to try impeachments. The house acting in this capacity performs the

work of a grand jury, and the senate, that of a court. Impeachment is a charge preferred against a public officer, accusing him of having committed high crimes and misdemeanors or of having violated his oath of office.

40. When charges of treason, bribery or other high crimes or misdemeanors are brought against a civil officer of the United States a committee of the house is appointed to investigate them. If the committee reports in favor of his impeachment the charges are reduced to writing and submitted to the house, which discusses and votes upon each charge separately. If the house, by a majority vote, decides upon impeachment, the charges (articles of impeachment) are sent to the senate and a committee is appointed to prosecute the impeachment before that body.

41. When sitting for trial of impeachments the senators are under oath or affirmation. If the president is tried, the chief justice of the supreme court presides at the trial, instead of the vice president, who is president of the senate.

42. A two-thirds majority of all the members present is necessary for conviction, after which the convicted person is disqualified from holding any office of honor, profit or trust in the United States, and is further liable and subject to indictment, trial, judgment and punishment according to law.

43. Impeachment has been resorted to seven times, viz., four federal judges; one secretary of war; one senator and one president. Only two, federal judges, were convicted: one for drunkenness and the other for joining the Secessionists in 1861. The senator was acquitted on the ground that a senatorship is not a "civil office" within the meaning of Article II., Sec. 4, of the Constitution.

44. Both the senate and the house of representatives have recognized Jefferson's "Manual of Parliamentary Practice" as governing the house when none

of its rules, or joint rules of congress, is applicable. This manual, based on English precedent, was prepared by President Jefferson.

QUESTIONS.

1. How many members in the house? A state with a population of 340,000 would be entitled to how many representatives? To how many senators?
2. Describe Representative Hall. The senate chamber.
3. When are representatives elected? The length of term? The length of senatorial term? Number of senators?
4. Why are senators so chosen?
5. What are the qualifications of members of congress? How old must a senator be?
6. Give some reason why congress should have power to levy taxes. How often have direct taxes been levied? What are indirect taxes? Why are discriminations sometimes made against the imports of certain countries?
7. What is the new naturalization law?
8. How may a state law be unconstitutional?
9. What is a bankrupt law? Do you think bankrupt laws should exist?
10. Name the metals used for coining money.
11. What is the severest penalty for counterfeiting. What is the lightest penalty for counterfeiting?
12. Give the interesting facts about the postal system. Has a state legislature any right to establish post-roads, etc.?
13. What is a copyright? By whom granted? What is a patent? By whom granted? How many are issued annually? What is the cost?
14. How many and what kind of inferior courts has congress established?
15. What is piracy? Law of Nations?
16. What is treason?

17. What are letters of marque and reprisal? When granted? Can a state grant them?

18. Why does congress not have power to appropriate money for the army for a longer time than two years?

19. What can you say of our navy? Do we need a larger one? Why?

20. What is the advantage of the president having the power of calling out the militia?

21. How often has the militia been called out?

22. What power controls the territories?

23. Are public acts and records of one state accepted as trustworthy by other states. What power provides this?

24. Why has congress power to pass one law to help enforce another one?

25. What is the writ of habeas corpus? An ex-post facto law? Bill of attainder?

26. How are direct taxes apportioned?

27. Explain why no preference should be given any port of entry.

28. What are clearance papers? Why are such regulations necessary?

29. Why are no titles of nobility granted by the United States?

30. What is the right of petition? Did congress ever disobey this regulation?

31. What difficulty did slavery offer to the formation of the union.

32. In the powers of each house, separately select those that differ from the same in our state government.

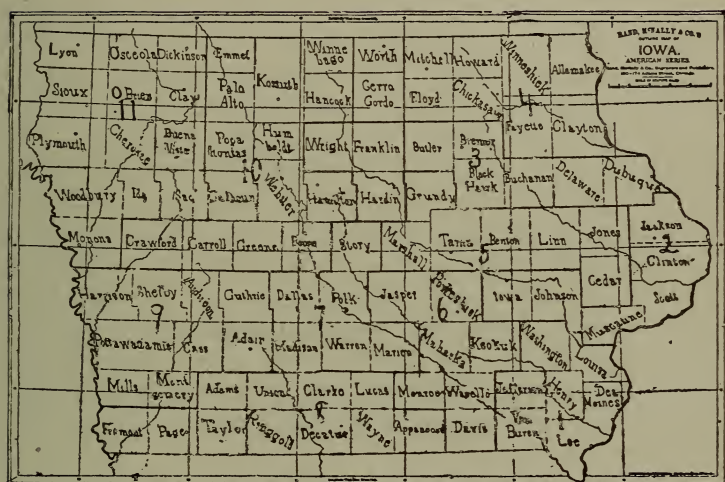
33. What precaution is there concerning the raising of money, etc.?

34. Tell all about how impeachments are conducted. Who presides when the president is tried? Why does not the vice president preside?

35. How many times has impeachment been resorted to? How many were convicted? Why was not the senator convicted? Why was the president not convicted?

36. What is a "pocket veto?"

37. Give particulars of President Johnson's impeachment.



CONGRESSIONAL DISTRICTS OF IOWA.

CHAPTER XVIII.

JUDICIAL DEPARTMENT.

1. The **Attorney General** is the head of the judicial department.

2. The highest tribunal of our nation is the **Supreme Court**, which consists of the chief justice and eight associate judges. They are appointed by the president for life or during good behavior, and can be removed only by impeachment. Congress may at any time increase the number of judges, or when vacancies occur it may lessen the number by passing a law declaring that no vacancies exist. This was done during the presidency of Andrew Johnson, in order to prevent him from appointing judges. At that time there were ten, and the law passed provided that no vacancies should be filled until the number was reduced to seven. During the next administration the number was increased to nine, the present number. At first there were but six.

3. This court has original jurisdiction in all cases affecting ambassadors, other public ministers, and consuls; in all cases of admiralty and maritime jurisdiction; in controversies in which the United States shall be a party; in controversies between two or more states; between the citizens of different states, or citizens of the same state claiming lands under grants of different states, and appellate jurisdiction in cases from inferior courts involving over two thousand dollars.

4. The constitution, at first, granted this court jurisdiction in suits between a state and citizens of another state, or a foreign state.

5. In 1793, a Mr. Chisholm sued the state of Georgia, taking the case before the United States su-

preme court. The state of Georgia felt very indignant and called to the rest of the union for aid. Most of the people thought that a state should not be subjected to such indignity, therefore the eleventh amendment to the constitution was passed in 1794. This provides that the judicial power of the United States shall not extend to any case of law or equity prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state. Under the protection of this amendment several states have repudiated their debts.

ILLUSTRATION.

6. In 1894, congress passed an income tax law, which provided that all persons having an income of more than four thousand dollars should be subject to a tax of two per cent on their income. Some believed that the law was not constitutional and refused to pay it. After a hearing in one of the inferior courts the case was appealed to the supreme court, which decided that the law was unconstitutional. A law may be just, and still be unconstitutional, because it conflicts with the constitution. When a just law, which the people desire is declared unconstitutional, the constitution may be amended so that it will not conflict with the law.

7. The sittings of the supreme court are held in the capitol in the chamber formerly occupied by the senate. The justices wear black gowns. They are the only officers within the United States, except the judges of the New York court of appeals, who wear any official dress.

CIRCUIT COURTS.

8. The United States is divided into nine circuits. A circuit judge is appointed in each, and to each is allotted one of the justices of the supreme court. The circuit court may be held by the circuit judge alone, by the supreme court justice alone, by both together

or by either sitting along with the district judge of the district in which the court is held. Cases may be appealed from these courts to the supreme court except in cases involving less than two thousand dollars. They have original jurisdiction in civil suits arising under patent and copyright laws, in cases against national banks and in cases involving over five hundred dollars in suits between citizens of different states or if an alien is a party; also in criminal cases, for trial of persons accused of offenses against the United States. They have appellate jurisdiction in cases tried before the United States district courts.

9. All federal judges are appointed for life. As the constitution gives congress the power to establish such inferior courts as it deems proper, it has been maintained by congress that it also has the power to abolish them. In 1800, sixteen circuits were established and President Adams filled them with judges who were of his political party. When Jefferson came into office he did not hold these political appointments to be valid, and congress being of the same opinion, abolished the circuits.

10. The number of district judges of United States varies according to the judicial needs. The number of judges does not correspond to the number of districts, but there is at least one judge in each state.

11. The district courts have jurisdiction in trial of all crimes committed within the district against the United States, except those punishable with death. In civil cases it has about the same original jurisdiction as the circuit court.

12. In each district there is an officer called the United States Attorney, who institutes proceedings against persons violating federal laws or evading discharge of obligations to the federal treasury.

13. Every federal court has attached to it, for the execution of its powers, a United States marshal, whose duties and powers correspond to those of the sheriff in our state.

14. There is at Washington, D. C., a Court of Claims, established in 1855, where all cases are heard relative to claims against the United States. It consists of a chief justice and four associate judges. Either house of congress may refer claims to this court.

15. In 1891, congress authorized a circuit court of appeals for each judicial circuit of the United States. The judges of the supreme court, the circuit and district judges of any circuit are made the judges of this court. When the court has been organized with a full bench, there are present, the judge of the supreme court assigned to that circuit, either circuit judge of the circuit, and any of the district judges within the circuit. Any two such judges constitute a quorum and they may transact regularly any business of the court.

16. In each territory is a territorial court, consisting of a chief justice and two associate justices, holding office for four years.

QUESTIONS.

1. Who is the head of the judicial department? Of what does the highest tribunal consist? What is the power of congress in reference to number of judges?

2. Give the incident relating to President Johnson. How many judges were there at first? How many now?

3. What is the jurisdiction of this court? What does admiralty and maritime jurisdiction mean?

4. State the incident and result of the suit between Chisholm and Georgia.

5. Describe the incident of the income tax law. With what clause of Article I., Sec. 9, of the constitution do you think it conflicts? Recite the clause.

6. Write an amendment which would make the law constitutional were it adopted.

7. Where does this court meet?

8. How many circuit courts? By whom may it be held? Its jurisdiction?
9. Relate the incident of 1800, in relation to circuits.
10. How many district courts? How many judges? What is the jurisdiction of this court? What is the duty of the United States attorney?
11. Tell something of the United States marshal.
12. Where and for what purpose is the Court of Claims?
13. What courts were established in 1891?
14. What jurisdiction have they?
15. These courts lessen the duties of what court?
16. What can you say of territorial courts?

CHAPTER XIX.

MISCELLANEOUS.

INDICTMENT.

1. Before a person can be brought to trial for offenses against the United States he must be indicted by a grand jury, except in cases which arise in the army or navy, or militia when in actual service in time of war or public danger. An indictment is a formal, written accusation made by the grand jury, charging the person therein named with violating the criminal law, or of having committed some act punishable on indictment. Such an accusation may be made upon the sworn statement of witnesses examined by the grand jury, or by evidence secured from legal documents, as provided by law. A charge made by the jury without this formal article is called a Presentment, and may take the place of an indictment.

TRIAL BY JURY.

2. The trial of all crimes, except in case of impeachment, must be by jury; the trial must be held in the state where the crime was committed; when not committed within any state, the trial must be at such place as congress may have by law directed. (The above is practically the reading of the clause in the constitution. A strip of land, the northwest part of Oklahoma, between Texas and Kansas, was, at one time, not assigned to any judicial district of the United States. The perpetrators of a crime there were brought to trial and escaped punishment on the grounds that no court had jurisdiction over the territory where the offense was committed.) In suits at

common law, in cases where the amount in dispute is more than twenty dollars, the right of trial by jury must be preserved.

PERSONAL RIGHTS.

3. No person can be twice put in jeopardy of life or limb or be compelled to be a witness against himself, or be deprived of life, liberty or property, without due process of law. Private property cannot be taken for public use without just compensation, and all unreasonable searches and seizures are prohibited.

4. In all criminal trials, the person accused has the right to a speedy and public trial by an impartial jury of the state and district in which the crime has been committed. He must be informed of the nature and cause of the charge against him, and be allowed to meet the witnesses against him face to face; he must also have process to compel witnesses to appear in his favor, and the assistance of counsel for his defense. Excessive bail shall not be required, excessive fines imposed, nor cruel and unusual modes of punishment inflicted.

5. No soldier can, in times of peace, be quartered in any house without consent of its owner, or in time of war, except in the manner provided by law.

6. Neither slavery nor involuntary servitude, except as a punishment for crime of which the person is duly convicted, can exist within the limits of the United States, or in any place subject to their jurisdiction.

ADMISSION OF STATES.

7. The general method of procedure is as follows: Congress passes an act called an enabling act, which empowers the people to form a constitution and apply for admission. The enabling act specifies the boundary of the state and other things that must be incorporated in its constitution. After the constitution has been formed in accordance with the enabling act and

adopted by the people of the state at a popular election, congress may pass a special act of admission.

Two stars were added July Fourth, 1912, on the admission of New Mexico and Arizona as states.

HOW THE CONSTITUTION IS AMENDED.

8. Whenever two-thirds of both houses shall deem it necessary, congress shall propose Amendments to the constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

PRESIDENTIAL SUCCESSION.

9. If the president should die, or be removed from office, resign, or in any way become unable to act as president, the vice-president would then assume the duties of president. If there should be no vice-president then the duties of president would devolve upon the secretary of state, and in case of his death, resignation or removal from office, upon the secretary of the treasury, and so on down through to the cabinet officers in the order in which the officers were established by congress, viz., secretary of state, secretary of the treasury, secretary of war, attorney-general, postmaster general, secretary of navy, secretary of interior. The order of succession may easily be remembered by

the word "St. Wapni," "S" for state, "t" for treasury, "w" for war, etc. The secretary of agriculture and secretary of commerce and labor are not included in the law. This law applies only to such officers as have been appointed with the consent of the senate and who are natural born citizens.

10. Before 1886, the order of succession after the vice-president, was president pro tempore of the senate, and a speaker of the house of representatives, when a person becomes president without being elected directly to that office, he is said to be an "accidental" president.

11. When the office of vice-president becomes vacant it remains so until the next presidential election. The president pro tempore of the senate is a member of that body and does not hold the office of vice-president.

SALARIES OF OFFICERS.

12. The salaries of United States officers are as follows: The president receives \$75,000 per year; his house, the White House, is also furnished and household expenses paid; he is also allowed \$25,000 per year for traveling expenses; the vice-president receives \$12,000 per year; the chief justice \$13,000 per year; associate justices \$12,500; circuit judges \$7,000; district judges \$3,500 to \$6,000; senators and representatives, each \$7,500 per year; and cabinet officers \$12,000.

QUESTIONS.

1. What is necessary to bring a person before a United States court for trial? What is a presentment? Compare with proceedings in our state.

2. Can a person be tried in this country for any crime without a jury?

3. Give the incident related of some criminals escaping justice. Write the last clause of the law relating to this, so that such an emergency might be properly met. Article III., Sec. 2, paragraph 3.

4. The paragraph on personal rights should be memorized carefully.

5. How are states admitted?

6. How are amendments to our constitution made?

7. Give the law for the succession to the presidency of the United States.

8. What are the salaries of representatives? Senators? District judges? Circuit judges? Chief justice? Associate justice? President? Vice-president? Cabinet?

9. When a territory wishes to be admitted as a state, what officer do you think urges the matter in congress?

10. Name the "accidental" presidents.

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PREAMBLE.

We, the people of the State of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows:

BOUNDARY.

Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river, thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the State of Missouri—as established by the Constitution of that State, adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines river; thence westwardly along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river to a point opposite to the middle of the main channel of the Big Sioux river, according to Nicollet's map; thence up the main channel of the said Big Sioux river, according to the said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes, until said parallel intersects the middle of the main channel of the Mississippi river; thence down the middle of the main channel of the said Mississippi river to the place of beginning.

ARTICLE I.—BILL OF RIGHTS.

Section 1. All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

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Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

Sec. 3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or the maintenance of any minister or ministry.

Sec. 4. No religious test shall be required as a qualification for any office of public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person, not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

Sec. 5. Any citizen of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall forever be disqualified from holding any office under the constitution and laws of this State.

Sec. 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.

Sec. 7. Every person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Sec. 9. The right of trial by jury shall remain inviolate; but

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the General Assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

Sec. 10. In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

Sec. 11. All offenses less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.

Sec. 12. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great.

Sec. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion or invasion, the public safety may require it.

Sec. 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

Sec. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

Sec. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

Sec. 18. Private property shall not be taken for public use with-

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out just compensation first being made, or secured to be made, to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

Sec. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a military fine in time of peace.

Sec. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives, and to petition for a redress of grievances.

Sec. 21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Sec. 22. Foreigners who are, or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and descent of property, as native-born citizens.

Sec. 23. There shall be no slavery in this State; nor shall there be involuntary servitude, unless for the punishment of crime.

Sec. 24. No lease or grant of agricultural lands, reserving any rent or service of any kind, shall be valid for a longer period than twenty years.

Sec. 25. The enumeration of rights shall not be construed to impair or deny others, retained by the people.

ARTICLE II.—RIGHT OF SUFFRAGE.

Section 1. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State six months next preceding the election, and of the county in which he claims his vote, sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

Sec. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such elections, going to and returning therefrom.

Sec. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

Sec. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

Sec. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

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Sec. 6. All elections by the people shall be by ballot.

ARTICLE III.—OF THE DISTRIBUTION OF POWERS.

Section 1. The powers of the government of Iowa shall be divided into three separate departments: The Legislative, the Executive and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

Section 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives; and the style of every law shall be: "Be it enacted by the General Assembly of the State of Iowa."

Sec. 2. The sessions of the General Assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the Governor of the State shall, in the meantime, convene the General Assembly by proclamation.

Sec. 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

Sec. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, be a male citizen of the United States, and shall have been an inhabitant of this State one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county or district he may have been chosen to represent.

Sec. 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

Sec. 6. The number of Senators shall not be less than one-third nor more than one-half the Representative body; and shall

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be so classified by lot, that one class being as nearly one-half as possible, shall be elected every two years. When the number of Senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.

Sec. 7. Each House shall choose its own officers, and judge of the qualification, election and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

Sec. 8. A majority of each House shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

Sec. 9. Each House shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same offense; and shall have all other power necessary for a branch of the General Assembly of a free and independent State.

Sec. 10. Every member of the General Assembly shall have the liberty of dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either House, on any question, shall, at the desire of any two members present, be entered on the journals.

Sec. 11. Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

Sec. 12. When vacancies occur in either House, the Governor, or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

Sec. 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

Sec. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 15. Bills may originate in either House, and may be amended, altered or rejected by the other; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

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Sec. 16. Every bill which shall have passed the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the same upon their journal, and proceed to reconsider it; if, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him (Sunday excepted), the same shall be a law in a like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State within thirty days after the adjournment, with his approval, if approved by him, and with his objections if he disapproves thereof.

Sec. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered upon the journal.

Sec. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the General Assembly.

Sec. 19. The House of Representatives shall have the sole power of impeachment and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 20. The Governor, Judges of the Supreme and District Courts, and other State officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

Sec. 21. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased during such

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term, except such offices as may be filled by elections by the people.

Sec. 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster, whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

Sec. 23. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either House of the General Assembly, or be eligible to hold any office of trust or profit in this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

Sec. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Sec. 25. Each member of the first General Assembly under this Constitution shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have the power to increase the compensation of its members. And when convened in extra session they shall receive the same mileage and per diem compensation as fixed by law for the regular session, and none other.

Sec. 26. No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session shall take effect ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in the newspapers in the State.

Sec. 27. No divorce shall be granted by the General Assembly.

Sec. 28. No lottery shall be authorized by this State; nor shall the sale of lottery tickets be allowed.

Sec. 29. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

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Sec. 30. The General Assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes for State, county, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State; and no law changing the boundary lines of any county shall have effect until, upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Sec. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation or claim be allowed by two-thirds of the members elected to each branch of the General Assembly.

Sec. 32. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator (or Representative, as the case may be), according to the best of my ability;" and members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

Sec. 33. The General Assembly shall, in the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-five, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the State.

Sec. 34. The number of Senators shall, at the next session fol-

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lowing each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties according to the number of inhabitants in each.

Sec. 35. The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the State according to the number of inhabitants in each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one Representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one Representative; and any one county containing, in addition to the ratio fixed by law, one-half of that number, or more, shall be entitled to one additional Representative. No floating district shall hereafter be formed.

Sec. 36. At its first session under this Constitution, and at every subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a Representative.

Sec. 37. When a Congressional, Senatorial, or Representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a Congressional, Senatorial, or Representative district.

Sec. 38. In all elections by the General Assembly, the members thereof shall vote Viva Voce; and the votes shall be entered on the journal.

ARTICLE IV.—EXECUTIVE DEPARTMENT.

Section 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

Sec. 2. The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.

Sec. 3. There shall be a Lieutenant-Governor, who shall hold his office two years, and be elected at the same time as the Governor. In voting for Governor and Lieutenant-Governor, the

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electors shall designate for whom they vote as Governor, and for whom as Lieutenant-Governor. The returns of every election for Governor and Lieutenant-Governor shall be sealed up and transmitted to the seat of Government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

Sec. 4. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be declared duly elected; but in case two or more persons shall have an equal, and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of said persons Governor, or Lieutenant-Governor, as the case may be.

Sec. 5. Contested elections for Governor or Lieutenant-Governor, shall be determined by the General Assembly in such manner as may be prescribed by law.

Sec. 6. No person shall be eligible to the office of Governor or Lieutenant-Governor, who shall not have been a citizen of the United States and a resident of the State two years next preceding the election, and attained the age of thirty years at the time of said election.

Sec. 7. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

Sec. 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

Sec. 9. He shall take care that the laws are faithfully executed.

Sec. 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

Sec. 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

Sec. 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient.

Sec. 13. In case of disagreement between the two Houses

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with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly.

Sec. 14. No person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor or Lieutenant-Governor, except as hereinafter expressly provided.

Sec. 15. The official term of the Governor and Lieutenant-Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant-Governor, while acting as Governor, shall receive the same pay as provided for Governor; and while presiding in the Senate, shall receive as compensation therefor the same mileage and double the per diem pay provided for a Senator, and none other.

Sec. 16. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Sec. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant-Governor.

Sec. 18. The Lieutenant-Governor shall be President of the Senate, but shall only vote when the Senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President pro tempore.

Sec. 19. If the Lieutenant-Governor, while acting as Governor, shall be impeached, displaced, resign or die, or otherwise become

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incapable of performing the duties of the office, the President pro tempore of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

Sec. 20. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

Sec. 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Sec. 22. A Secretary of State, Auditor of State, and Treasurer of State, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified, and perform such duties as may be required by law.

ARTICLE V.—JUDICIAL DEPARTMENT.

Section 1. The Judicial power shall be vested in a Supreme Court, District Court, and such other Courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

Sec. 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold Court.

Sec. 3. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their Court at such time and place as the General Assembly may prescribe. The Judges of the Supreme Court, so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge holding the shortest term of office, under such classification, shall be Chief Justice of the Court during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each Judge of the Supreme Court shall be six years, and until his successor shall have been elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State during the term for which they have been elected.

Sec. 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General

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Assembly may by law prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the State.

Sec. 5. The District Court shall consist of a single Judge, who shall be elected by the qualified electors of the District in which he resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of Judge of the Supreme Court, during the term for which he was elected.

Sec. 6. The District Court shall be a Court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts in such manner as shall be prescribed by law.

Sec. 7. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.

Sec. 8. The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

Sec. 9. The salary of each Judge of the Supreme Court shall be two thousand per annum, and that of each District Judge one thousand six hundred dollars per annum, until the year eighteen hundred and sixty; after which time they shall severally receive such compensation as the General Assembly may, by law, prescribe, which compensation shall not be increased or diminished during the term for which they shall have been elected.

Sec. 10. The State shall be divided into eleven Judicial Districts, and after the year eighteen hundred and sixty, the General Assembly may reorganize the Judicial Districts, and increase or diminish the number of Districts, or the number of Judges of the said Court, and may increase the number of Judges of the Supreme Court; but such increase or diminution shall not be more than one District, or one Judge of either Court, at any one session, and no reorganization of the Districts, or diminution of the number of Judges, shall have the effect of removing a Judge from office. Such reorganization of the Districts, or any change in the boundaries thereof, or increase or diminution of the number of Judges, shall take place every four years thereafter, if necessary, and at no other time.

Sec. 11. The Judges of the Supreme and District Courts shall be chosen at the general election; and the term of office of each

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Judge shall commence on the first day of January next after his election.

Sec. 12. The General Assembly shall provide by law for the election of an Attorney-General by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.

Sec. 13. The qualified electors of each Judicial District shall, at the time of the election of District Judge, elect a District Attorney, who shall be a resident of the District for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.

Sec. 14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the Courts of this State.

ARTICLE VI.—MILITIA.

Section 1. The militia of this State shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are, or may hereafter be, exempt by the laws of the United States, or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

Sec. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace; Provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

Sec. 3. All commissioned officers of the militia (staff officers excepted) shall be elected by persons liable to perform military duty, and shall be commissioned by the Governor.

ARTICLE VII.—STATE DEBTS.

Section 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

Sec. 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of

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the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars, and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Sec. 3. All losses to the Permanent, School, or University fund of this State, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State, in favor of the respective fund, sustaining the loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

Sec. 4. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Sec. 5. Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

Sec. 6. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time forbid the contracting of any further debt or liability under such law; but the tax imposed by such law, in proportion to the debt or

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liability which may have been contracted in pursuance thereof, shall remain in force and be irrevocable, and be annually collected, until the principal and interest are fully paid.

Sec. 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE VIII.—CORPORATIONS.

Section 1. No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

Sec. 2. The property for all corporations for pecuniary profit shall be subject to taxation, the same as that of individuals.

Sec. 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war, for the benefit of the State.

Sec. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

Sec. 5. No act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto, shall take effect or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

Sec. 6. Subject to the provisions of the foregoing section, the General Assembly may also provide for the establishment of a State Bank, with branches.

Sec. 7. If a State Bank be established, it shall be founded on an actual specie basis, and the branches shall be mutually responsible for each other's liabilities upon all notes, bills, and other issues intended for circulation as money.

Sec. 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest-paying stocks of States in good credit and standing, to be rated at ten per

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cent. below their average value in the city of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of such stocks, to the amount of ten per cent. on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer and to whom.

Sec. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all of its liabilities, accruing while he or she remains such stockholder.

Sec. 10. In case of the insolvency of any banking institution, the bill holders shall have a preference over its other creditors.

Sec. 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.

Sec. 12. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

ARTICLE IX.—EDUCATION AND SCHOOL LANDS. FIRST—EDUCATION.

Section 1. The educational interest of the State, including Common Schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the Lieutenant-Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.

Sec. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty-five years, and shall have been one year a citizen of the State.

Sec. 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two

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years, and one-half of the Board shall be chosen every two years thereafter.

Sec. 4. The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December after their election, after which the General Assembly may fix the time and place of meeting.

Sec. 5. The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two-thirds of the Board, the Governor may order a special session.

Sec. 6. The Board of Education shall appoint a Secretary, who shall be the executive officer of the Board, and perform such duties as may be imposed upon him by the Board, and the laws of the State. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.

Sec. 7. All rules and regulations made by the Board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the Board, and when so made, published, and distributed, they shall have the force and effect of law.

Sec. 8. The Board of Education shall have full power and authority to legislate and make all needful rules and regulations in relation to Common Schools, and other educational institutions that are instituted, to receive aid from the School or University fund of this State; but all acts, rules and regulations of said Board may be altered, amended, or repealed by the General Assembly, and when so altered, amended, or repealed, they shall not be re-enacted by the Board of Education.

Sec. 9. The Governor of the State shall be, ex officio, a member of said Board.

Sec. 10. The Board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the General Assembly.

Sec. 11. The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that institution and no other.

Sec. 12. The Board of Education shall provide for the education of all the youths of the State, through a system of common schools, and such schools shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a

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school, as aforesaid, may be deprived of their portion of the school fund.

Sec. 13. The members of the Board of Education shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly.

Sec. 14. A majority of the Board shall constitute a quorum for the transaction of business; but no rule, regulation, or law for the government of common schools or other educational institutions shall pass without the concurrence of a majority of all the members of the Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be: "Be it enacted by the Board of Education of the State of Iowa."

Sec. 15. At any time after the year one thousand eight hundred and sixty-three, the General Assembly shall have power to abolish or reorganize said Board of Education, and provide for the educational interests of the State in any other manner that to them shall seem best and proper.

SECOND—SCHOOL FUNDS AND SCHOOL LANDS.

Section 1. The educational and school funds and lands shall be under the control and management of the General Assembly of this State.

Sec. 2. The University lands, and the proceeds thereof, and all moneys belonging to said fund, shall be a permanent fund for the sole use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

Sec. 3. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which may have been or shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as has been or may hereafter be granted by Congress, on the sale of lands in this State, shall be and remain a

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perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of common schools throughout the State.

Sec. 4. The money which may have been or shall be paid by persons as an equivalent from exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries, as the Board of Education shall from time to time provide.

Sec. 5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be, reserved or granted by the United States, or any person or persons, to this State, for the use of the University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant; and it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

Sec. 6. The financial agents of the school funds shall be the same that by law receive and control the State and county revenue, for other civil purposes, under such regulations as may be provided by law.

Sec. 7. The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.

ARTICLE X.—AMENDMENTS TO THE CONSTITUTION.

Section 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be

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entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

Sec. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Sec. 3. At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may by law provide, the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.

ARTICLE XI.—MISCELLANEOUS.

Section 1. The jurisdiction of Justices of the Peace shall extend to all civil cases (except cases in chancery, and cases where the question of title to real estate may arise) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

Sec. 2. No new county shall be hereafter created containing less than four hundred and thirty-two square miles, nor shall the territory of any organized county be reduced below that area, except the county of Worth, and the counties west of it, along the northern boundary of this State may be organized without additional territory.

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Sec. 3. No county, or other political or municipal corporation, shall be allowed to become indebted, in any manner or for any purpose, to an amount, in the aggregate, exceeding five per centum of the value of the taxable property within such county or corporation—to be ascertained by the last State and county tax lists, previous to the incurring of such indebtedness.

Sec. 4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

Sec. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

Sec. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office shall hold until the next general election, and until their successors are elected and qualified.

Sec. 7. The General Assembly shall not locate any of the public lands which have been or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted shall not exceed three hundred and twenty acres.

Sec. 8. The seat of government is hereby permanently established, as now fixed by law, at the city of Des Moines, in the county of Polk; and the State University at Iowa City, in the county of Johnson.

ARTICLE XII.—SCHEDULE.

Section 1. The Constitution shall be the supreme law of the State, and any law inconsistent therewith shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

Sec. 2. All laws now in force and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

Sec. 3. All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions, shall be carried on in the several courts, in the same manner as now provided by law, and all offenses, misdemeanors and crimes that may have been committed before the taking effect of this Constitution, shall

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be subject to indictment, trial and punishment, in the same manner as they would have been had not this Constitution been made.

Sec. 4. All fines, penalties, or forfeitures due, or to become due, or accruing to the State, or to any county therein, or to the school fund, shall inure to the State, county or school fund, in the manner prescribed by law.

Sec. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

Sec. 6. The election under this Constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty-seven, at which time the electors of the State shall elect the Governor and Lieutenant-Governor. There shall also be elected at such election the successors of such State Senators as were elected at August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday of December, one thousand eight hundred and fifty-six.

Sec. 7. The first election for Secretary, Auditor, and Treasurer of State, Attorney-General, District Judges, Members of the Board of Education, District Attorneys, Members of Congress, and such State officers as shall be elected at the April election, in the year one thousand eight hundred and fifty-seven (except the Superintendent of Public Instruction), and such county officers as were elected at the August election, in the year one thousand eight hundred and fifty-six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: Provided, that the time for which any District Judge or other State or county officer elected at the April election in the year one thousand eight hundred and fifty-eight, shall not extend beyond the time fixed for filling like offices at the October election, in the year one thousand eight hundred and fifty-eight.

Sec. 8. The first election for Judges of the Supreme Court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.

Sec. 9. The first regular session of the General Assembly shall be held in the year one thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

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Sec. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine, at which time their successor shall be elected as may be prescribed by law.

Sec. 11. Every person elected by popular vote, by a vote of the General Assembly, or who may hold office by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed to any such office, before the taking effect of this Constitution (except as in this Constitution otherwise provided) shall continue in office until the term for which such person has been or may be elected or appointed shall expire; but no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.

Sec. 12. The general Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the General Assembly in accordance with the provisions of this Constitution.

Sec. 13. This Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed, as follows: Those in favor of the Constitution, "New Constitution—Yes." Those against the Constitution, "New Constitution—No". The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the Code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of State officers; and if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

Sec. 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white" from the article on the "Right of Suffrage," shall be separately submitted to the electors of this State for adoption or rejection, in the manner following, viz.: A separate ballot may be given by every person

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having a right to vote at said election, to be deposited in a separate box. And those given for the adoption of such proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' Yes." And those given against the proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' No." And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this Constitution, then said word "white" shall be stricken from said article and be no part thereof.

Sec. 15. Until otherwise directed by law, the county of Mills shall be in and a part of the Sixth Judicial District of this State. Done in Convention at Iowa City, this fifth day of March, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United State of America the eighty-first.

SIGNERS:

Timothy Day,
S. G. Winchester,
David Bunker,
D. P. Palmer,
Geo. W. Ells,
J. C. Hall,
John H. Peters,
Wm. H. Warren,
H. W. Gray,
Robt. Gower,
H. D. Gibson,
Thomas Seeley,
A. H. Marvin,
J. H. Emerson,
R. L. B. Clarke,
James A. Young,
D. H. Solomon,

W. W. Robinson,
Lewis Todhunter,
John Edwards,
J. C. Traer,
James F. Wilson,
Amos Harris,
John T. Clarke,
S. Ayres,
Harvey J. Skiff,
J. A. Parvin,
W. Penn Clark,
Jere Hollingsworth,
Wm. Patterson,
D. W. Price,
Alpheas Scott,
Geo. Gillaspy,
Edward Johnston.

Attest:

Francis Springer, Pres.

Th. J. Saunders, Sec'y.

E. N. Bates, Assistant Sec'y.

CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sec. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware

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one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Sec. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

Sec. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by

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the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sec. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Sec. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented

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to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Sec. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

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To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer time than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Sec. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor

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shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

Sec. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States and vote by

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ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]*

The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and

*This clause of the constitution has been superseded by the Twelfth Amendment.

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Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

Sec. 2. The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faith-

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fully executed, and shall commission all the officers of the United States.

Sec. 4. The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Section 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Sec. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Sec. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of

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treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV.

Section 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Sec. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Sec. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Sec. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several

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States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from Virginia.

New Hampshire—John Langdon, Nicholas Gilman.

Massachusetts—Nathaniel Gorham, Rufus King.

Connecticut—William Samuel Johnson, Roger Sherman.

New York—Alexander Hamilton.

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New Jersey—William Livingston, David Brearly, William Patterson, Jonathan Dayton.

Pennsylvania—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

Maryland—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

Virginia—John Blair, James Madison, Jr.

North Carolina—William Blount, Richard Dobbs Spaight, Hugh Williamson.

South Carolina—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia—William Few, Abraham Baldwin.

Attest: William Jackson, Secretary.

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assembly, and to petition the government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

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ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

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ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the vote shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a

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choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or

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given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

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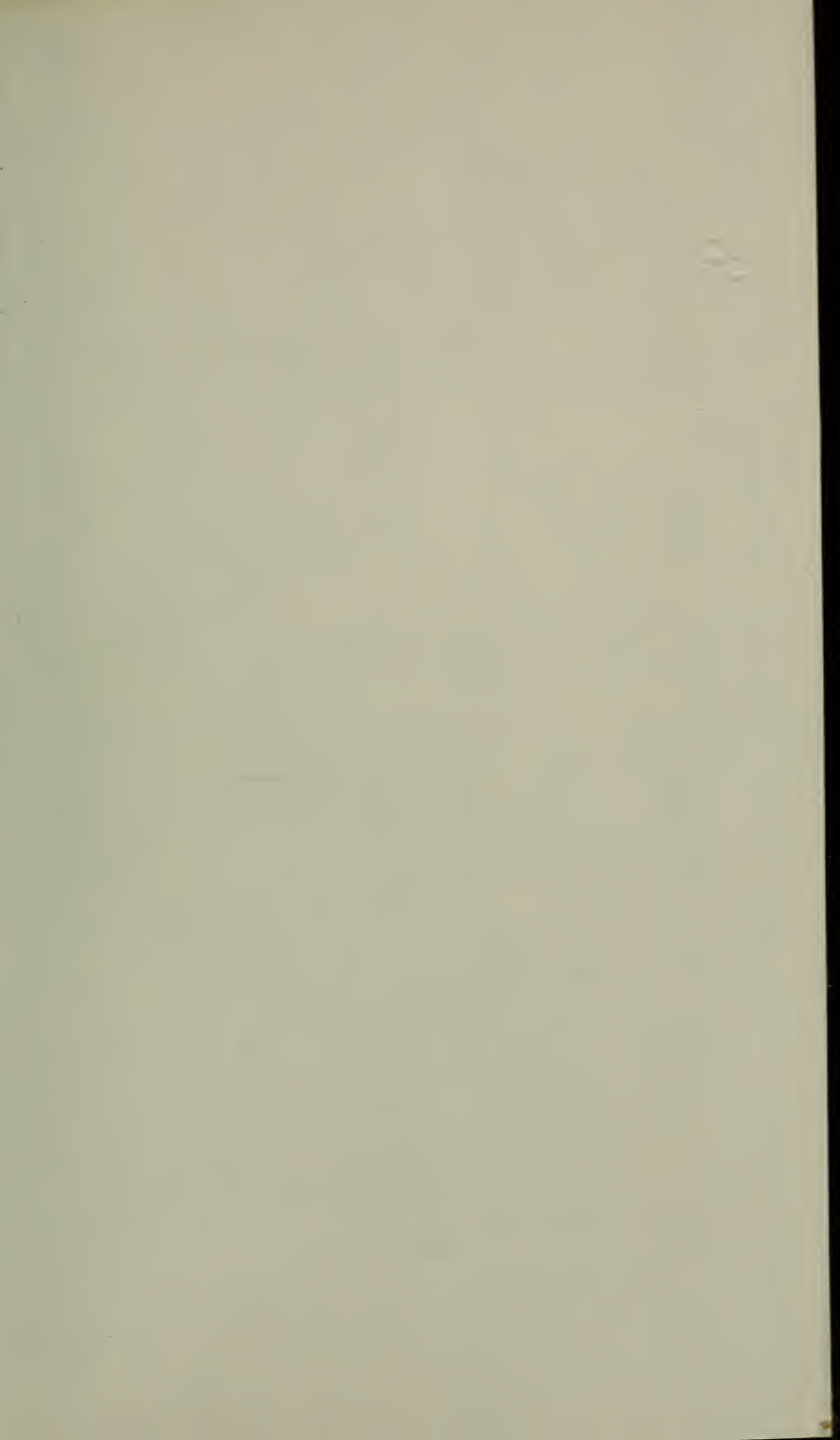
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